

with the recommendation that it do pass and be not printed.

WOODS,
WILLIFORD,
CALDWELL,
STRICKLAND.

(Majority Report)

Committee Room,

Austin, Texas, June 3, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, the majority of your Committee on Finance, to which committee was referred Senate Bill No. 64, have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

WESTBROOK, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, June 3, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a minority of your Committee on Finance, to which was referred Senate Bill No. 64, have had same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do not pass, but that the following committee substitute do pass.

Page, Dudley, Buchanan of Bell, Hertzberg.

Committee Room,

Austin, Texas, June 4, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred H. C. R. No. 10, as follows:

Whereas, the Legislature of Texas, by resolution authorized the Superintendent of Public Buildings and Grounds, State of Texas, to have the old cannon that were taken from the Capitol Grounds, returned to the Capitol Grounds, and

Whereas, the correspondence and evidence recorded in the Journals of the House of Representatives show that there remains at Russellville, Kentucky, one cannon whose value by General Hutchings is anywhere from eight hundred to fourteen hundred dollars, and

Whereas, the Board of Control now has charge of Public Buildings and Grounds and a full and complete record of correspondence, resolu-

tions, etc., in regard to the cannon that were taken away from the Capitol Grounds can be traced through the House Journal of the past Legislatures.

Have had same under consideration and beg leave to report back to the Senate with the recommendation that it do pass and be not printed.

DAYTON, Chairman.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, June 7, 1920.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Floyd.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Hall.
Carlock.	Page.
Gibson.	Parr.

Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

House Bill No. 4, Recommended.

On the request of Senator Alder-

dice, unanimous consent was granted to recommit House Bill No. 4 to the Committee on Education.

Simple Resolution No. 11.

Senator Woods received unanimous consent to send up the following resolution:

Whereas, as Ex-Lieutenant Governor George T. Jester of Corsicana, Texas, who served the State of Texas with distinction as a member of the State Senate from 1893 to 1895 and as Lieutenant Governor of the State for four years from 1895 to 1899, is in the city; therefore, be it

Resolved, that the courtesies of the Senate Chamber be extended to him and that he be requested to address the Senate.

WOODS,
DEAN,
ALDERDICE,
McNEALUS.

The resolution was read and adopted.

The Chair appointed Senators Woods, Dean, and Alderdice to escort the gentleman to the platform.

Message from the Governor.

A messenger from the Governor appeared at the bar of the Senate with the following executive messages:

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Representative Blackburn, I submit for your consideration, the following subject, to-wit:

"An Act to amend Chapter 66 of the Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature, approved March 20, 1913, entitled 'An Act incorporating and creating the Sonora Independent School District, enlarged, of Sutton County, Texas, etc., and declaring an emergency.'"

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 7, 1920.

To the Texas State Senate.

Gentlemen: I ask the advice, consent and confirmation of the Senate to the following appointment:

To be District Judge of the 90th Judicial District, Hon. G. O. Bateman, of Breckenridge, Stephens County, Texas.

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Representative Hill, I submit for your consideration the following subjects, to-wit:

"An Act creating the Booker Independent School District in Ochiltree and Lipscomb Counties."

"An Act creating the Perryton Independent School District in Ochiltree County, Texas, etc., etc."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Senator Hall, I submit for your consideration the following subject, to-wit:

"An Act providing for the redemption, by the owner, of land or lots heretofore sold, or that may be hereafter sold, to the State, City or Town for taxes, and repealing all laws in conflict with this Act, and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 5, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Representative Parnell, I submit for your consideration the following subject, to-wit:

"An Act fixing the fees to be charged by the Board of Water Engineers upon the filing of application for permits for the storage, diversion and use of water, limiting the maximum fees in the sum of six

thousand dollars, providing the time and terms of payment to be made in installments, and providing for the fixing of the time for the commencing of construction work when the use of water contemplates the construction of a storage reservoir and the manner of extending the time limits thereon and the payment of fees therefor."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 7, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representative Barnes, I submit for your consideration the following subject, to-wit:

"An Act creating Emory Independent School District in Raines County, Texas, etc., etc."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 5, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representatives Marshall, Hill and Bryant, I submit for your consideration the following subject, to-wit:

"An Act to create the 91st Judicial District, fixing its jurisdiction and the time of holding courts therein; providing for the appointment by the Governor of the Judge and District Attorney of 46th District; providing that the District Clerk of Wilbarger County shall be an officer of the said 91st District Court, and fixing his compensation for services rendered therein; providing for the transfer of cases from and to the 46th Judicial District Court, and the 91st Judicial District Court, from one court to another, requiring notice of such transfer of cases in certain instances to be given, reorganizing the 46th Judicial District; and providing for the time of holding court in the Counties of Hardeman, Foard, Collingsworth, Childress and Hall; and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 5, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representative Smith, I submit for your consideration the following subject, to-wit:

"An Act creating the Bullard Independent School District in Smith and Cherokee Counties, Texas; defining its boundaries including the present Bullard Independent School District; providing for a board of trustees, in said District, conferring upon said district and its board of trustees, all the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon Independent School Districts and the boards of trustees thereof, providing that the present boards of trustees continue in office until the expiration of their respective terms; and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 5, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representative Marshall, I submit for your consideration the following subject, to-wit:

"An Act creating the Truscott Independent School District in Knox County, etc., and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 5, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representative Wright, I submit for your consideration the following subject, to-wit:

"An Act authorizing the city of Henrietta, with a population of less than 5,000 inhabitants, by a majority vote of the qualified voters of said city, at an election held for that purpose, to adopt and amend its Charter, etc., etc."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 5, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representative Sackett, I submit for your consideration the following subject, to-wit:

"An Act amending the Special Road Law for Coleman County, Texas."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 4, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Senator Hertzberg, I submit for your consideration the following subject, to-wit:

"An Act creating a Common School District No. 40 of Bexar County, Texas."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 4, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Senator Hertzberg, I submit for your consideration the following subject, to-wit:

"An Act to amend Article 1161 of the Code of Criminal Procedure of Texas relating to the pay of bailiffs, and relating to the maximum amount of fees to be paid such bailiffs, and providing for the entry to an order of court in relation thereto upon the minutes, and providing that deputy sheriffs shall not receive pay as bailiffs."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 4, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representative Thomason, I submit for your consideration the following subject, to-wit:

"An Act conferring certain powers upon the Commissioner's Courts of this State, and authorizing said courts to appropriate and use any

sum or sums of money out of the county funds for farmers cooperative demonstration work and home demonstration work in their respective counties along the same lines as this work is or may be conducted by the Extension Service of the Agricultural and Mechanical College of Texas and the United States Department of Agriculture, in cooperation with said institution and department and upon such terms and conditions that may be agreed upon between the agent or agents of said Extension Service and the Commissioners' Court and repealing an Act passed by the regular session of the Thirty-second Legislature of the State of Texas, same being Chapter 62 thereof and an Act passed at the First Called Session of the Thirty-fifth Legislature same being Chapter 35 thereof, and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 4, 1920.
To the Thirty-sixth Legislature in
Third Called Session.

Gentlemen: At the request of Representative Blackburn, I submit for your consideration the following subject, to-wit:

"An Act to amend Chapter 66 of the Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature, approved March, 20, 1913, entitled 'An Act incorporating and creating the Sonora Independent School District, enlarged, of Sutton County, Texas, etc., and declaring an emergency.'"

Respectfully submitted,
W. P. HOBBY,
Governor.

Address of Hon. George T. Jester.

Ex-Lieutenant Governor George T. Jester was introduced by the Lieutenant Governor, and addressed the Senate.

Bills and Resolutions.

The following bills were read and referred:

By Senator Bledsoe:

S. B. No. 79, A bill to be entitled "An Act creating an Independent

School District, to be known as Truscott Independent School District, covering the same territory heretofore known as Common School District No. 3 of Knox County, Texas, and defining its boundaries and to provide for the creation of a Board of Trustees thereof, constituting the present Board of Trustees of said Common School District No. 3, a Board of Trustees for said Independent School District, until the next regular trustees election, and providing for the filling of vacancies; vesting said independent district with all rights, powers of a town or village incorporated for free school purposes only and defining rights and powers of boards of trustees; making the board of trustees a body corporate; prescribing the manner of the organization of the board of trustees; defining their authority for appointment of officers and the duties of same; providing for the taking of scholastic census; constituting the board of trustees a board of equalization; providing for a seal for the board and giving the president and secretary authority to administer oaths; providing for the issuance of and levy of maintenance tax and prescribing limit to same; specifying a date for beginning of fiscal year and payment of taxes; providing for collection of delinquent taxes by direct suit; vesting title to all school property in board of trustees; declaring valid a maintenance tax heretofore voted. Assuming payment of a bond issue and prescribing manner of levy of tax for same; vesting the district with all the rights and powers of Independent districts created under general laws and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Hertzberg:

S. B. No. 80, A bill to be entitled "An Act to re-create Common School District No. 40, of Bexar County, as San Jose Independent, with boundaries as hereinafter described. That contracts, bonds and tax rate of the old district shall become those of the new. That the County Judge of Bexar County shall call the first election for trustees; that San Jose Independent District shall control school taxes for 1920; that funds be properly transferred to San Jose Independent District; that the school board must maintain efficient schools; that the assessor and collector of school taxes shall be governed by special rules; that the general school laws of Texas shall ap-

ply to San Jose Independent District when not in conflict with this act; that the emergency clause shall apply to this act.

Read first time and referred to Committee on Educational Affairs.

By Senator Parr:

S. B. No. 81, A bill to be entitled "An Act to amend Section 1 of S. B. No. 399, Chapter 54, Page 178, of the Local and Special Laws passed at the Regular Session of the Thirty-fourth Legislature of the State of Texas, entitled, 'An Act creating the Benavides Independent School District, situated in Duval County, defining its metes and bounds, vesting it with rights, etc.,' and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Senate Bill No. 20.

The Chair laid before the Senate on the calendar

S. B. No. 20, A bill to be entitled "An Act to amend Articles 16, 53 and 67, Chapter 73 of the General Laws of the Thirty-sixth Legislature, passed at the Second Called Session thereof, being 'An Act creating the office of Game, Fish and Oyster Commissioner; providing for his appointment; prescribing his qualifications; defining his duties; authorizing the appointment of deputies; prescribing their qualifications; defining their powers and duties; and for the protection of fish, oysters, turtles, terrapins, shrimp, crabs, clams, mussels, lobsters and all other kinds and forms of marine life in the public fresh water, tidal and coastal waters of the State and to protect the natural oyster beds and reefs and to provide for the location of private beds, prescribing the terms, tax and conditions upon which fish, shrimp, crabs, clams, turtles, terrapins, mussels, lobsters and all other forms and kinds of marine life may be taken from the waters of this State; providing that this Act shall be construed to be a continuation of all former laws upon the subject; and providing that all suits now pending involving laws affected by this Act shall not abate but shall be prosecuted under such former laws and under this Act, and declaring an emergency,' providing license fee and tax on wholesale dealers in fish and oysters and other marine products and defining a wholesale dealer and fixing penalties; regulating the size of fish which may

be sold or offered for sale, and prescribing penalties; fixing salaries of the Game, Fish and Oyster Commissioner, his Chief Deputy and certain other deputies and employees, and declaring an emergency."

On the request of Senator Cousins, the bill was read second time and laid on the table subject to call.

Senate Bill No. 45.

The Chair laid before the Senate on the calendar

S. B. No. 45, A bill to be entitled "An Act to amend Chapter 7, Title 22 of the Revised Civil Statutes of Texas, by adding thereto Article 956a providing for the bringing of suits for delinquent taxes by unincorporated cities and towns, prescribing the conditions precedent thereto and for the employment of special attorneys for the bringing of such suits and for the recovery of such suits as a part of the costs thereof the same fees for the city attorneys and special attorneys so employed as are now provided for county attorneys for the bringing of such suits on behalf of the State and County for the collection of delinquent taxes, providing that in no case shall such city or town become liable for such fees, and declaring an emergency."

The bill was read second time.

Message from the House.

A messenger from the House presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,
Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 5, A bill to be entitled "An Act to make appropriations to cover authorized deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1919, and August 31, 1920, respectively, and declaring an emergency."

Vote: 95 Yeas, 2 Nays.

H. B. No. 60, A bill to be entitled "An Act validating the charters and amendments to charters of all cities of more than 5000 inhabitants in this

State, which have adopted or attempted to adopt charters or amendments of charters since the enactment of Chapter 147 of the General Laws of the Regular Session of the Thirty-third Legislature of 1913, and validating all proceedings had by the governing authorities of such cities, and all elections held in said cities, wherein a majority of the qualified voters of said city voting on the question have voted in favor of such charter or charter amendments, and declaring an emergency."

Vote: 95 Yeas, 0 Nays.

H. B. No. 73, A bill to be entitled "An Act to amend Chapter 129, General Laws of the Regular Session of the Thirty-sixth Legislature, authorizing the State Board of Medical Examiners of this State, and making it their duty, under certain conditions, to cancel the license of any 'licensed practitioner of medicine' in this State, when the facts are made known to it, that such 'licensed practitioner of medicine' has been convicted in either a State or Federal court of a crime of the grade of felony, or one which involved moral turpitude, or aiding or abetting the procuring of a criminal abortion; authorizing said State Board of Medical Examiners to inquire into the facts of any particular case where a duly 'licensed practitioner of medicine' in this State has been convicted of a crime of the grade of felony in either a State or Federal court and his punishment assessed at either a fine or imprisonment, or by both fine and imprisonment, other than in the penitentiary, and providing for said practitioner to have a hearing before said State Board of Medical Examiners and authorizing the said Board of Medical Examiners to exercise its discretion in revoking the license of 'licensed practitioners of medicine' in this State under certain conditions; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Vote: 95 Yeas, 0 Nays.

Respectfully submitted,
NOEL K. BROWN,
Chief Clerk, House of Representatives.

Senate Bill No. 45.

The Committee report carrying an amendment was adopted.

The bill was passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was

suspended and Senate Bill No. 45 was put on its third reading and final passage by the following vote.

Yeas—22.

Alderdice.	Dudley.
Bledsoe.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Hopkins.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Davidson.	Westbrook.
Dayton.	Williford.
Dean.	Witt.
Dorough.	Woods.

Present—Not Voting.

Hertzberg.

Absent.

Bailey.	McNealus.
Carlock.	Page.
Gibson.	Parr.
Hall.	Strickland.

The bill was read the third time and finally passed by the following vote:

Yeas—23.

Alderdice.	Faust.
Bledsoe.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Davidson.	Westbrook.
Dayton.	Williford.
Dean.	Witt.
Dorough.	Woods.
Dudley.	

Absent.

Bailey.	McNealus.
Carlock.	Page.
Gibson.	Parr.
Hall.	Strickland.

Senate Bill No. 47.

The Chair laid before the Senate on the calendar

S. B. No. 47, A bill to be entitled, "An Act to amend Section 1 of Chapter 7, page 8 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas so as to provide that the suspension of sentence in certain cases of conviction of felony shall not apply to persons

over age of 25 years and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williford, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 47 was put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Faust.
Bledsoe.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Suiter.
Davidson.	Westbrook.
Dayton.	Williford.
Dean.	Witt.
Dorough.	Woods.
Dudley.	

Absent.

Bailey.	McNealus.
Carlock.	Page.
Gibson.	Parr.
Hall.	Strickland.

The bill was read the third time and finally passed by the following vote:

Yeas—21.

Alderdice.	Faust.
Bledsoe.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Clark.	Rector.
Cousins.	Smith.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	

Nays—1.

Woods.

Absent.

Bailey.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Gibson.	Strickland.
Hall.	

Action on Senate Bill No. 73
Reconsidered.

On the request of Senator Dean, unanimous consent was granted to take up at this time

S. B. No. 73, A bill to be entitled "An Act to amend Sections 2, 7, 8 and 16 of the Polk County Road Law as passed by the Thirty-first Legislature at its Regular Session and as amended by the Acts of the Thirty-third Legislature, at its Regular Session as found on pages 77-79 of the local and special laws of the Acts of the said Thirty-third Legislature, so as to eliminate therefrom the limitation of \$1.50 per day to be paid to hands working on the roads, and to eliminate therefrom the limitation of \$4.00 per day to be paid for teams working on the roads; and so that section 7 shall provide that any citizen of Polk County subject to road duty may by the payment of \$5.00 on or before the first of February of any one year to be exempt from road duty for the year; so that said section 8 shall provide that all persons liable for work on the public roads who shall pay the road overseer at any time before the day appointed to work the road the sum of \$2.00 for each day summoned to work shall be exempt from each day so paid for, so that there shall be eliminated from said section 16 the requirement that the county road superintendent shall be a freeholder in the county of Polk, and further amending section 16 so as to authorize the commissioners court to pay the county road superintendent not to exceed the sum of \$300 per month for his services; and declaring an emergency."

The votes by which the bill was passed finally and to engrossment were rescinded unanimously.

Senator Dean sent up the following amendments:

Amend Senate Bill No. 73 by changing the semi-colon to a period after the word "oath" immediately preceding the proviso at the end of Section 16, and by striking out said proviso itself which immediately precedes the emergency clause and inserting in lieu of said proviso the following:

"In addition to their per diem as now provided by law for time actually put in in attending the commissioners court, the county commissioners of Polk County while actually devoting their time to the supervision of the roads in said county, shall each receive as compensation the sum of four dollars per day as road commissioners."

Amendment No. 2 to Senate Bill No. 73:

Amend the caption of the bill by inserting just before the emergency clause the following:

"Providing for compensation for the county commissioners of Polk County when acting as road commissioners and supervisors."

The amendments were read and adopted.

The bill was passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 73 was put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Floyd.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Hall.
Carlock.	Page.
Gibson.	Parr.

The bill was read the third time and finally passed by the following vote:

Yeas—25.

Alderdice.	Floyd.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Hall.
Carlock.	Page.
Gibson.	Parr.

Senate Bill No. 47.

On the motion of Senator Dean, the vote by which Senate Bill No. 47 was passed finally was rescinded by unanimous consent.

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 5, referred to the Committee on Finance.

H. B. No. 73 referred to the Committee on Criminal Jurisprudence.

H. B. No. 60 referred to the Committee on Civil Jurisprudence.

Message from the Governor.

Raymond Brooks, a messenger from the Governor, presented himself at the bar of the Senate with the following executive message:

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Senator Buchanan, I submit for your consideration the following subject, to-wit:

"An Act amending Aspermont Independent School District in Stonewall County."

Respectfully submitted,

W. P. HOBBY,
Governor.

Bills Introduced.

Unanimous consent was granted to send up the following bills and resolutions:

By Senator Buchanan of Scurry:

S. B. No. 82, A bill to be entitled "An Act to amend Section 1 of Chapter 85, page 325 of the Special Laws passed by the Regular Session of the Thirty-fifth Legislature and approved March 28, 1917, being an Act establishing the Aspermont Independent School District of Stonewall County, Texas, making amendment as to metes and bounds of said district, and declaring an emergency.

Read first time and referred to Committee on Educational Affairs.

By Senator Hertzberg

S. B. No. 83, A bill to be entitled "An Act to amend Article 1161 of the Code of Criminal Procedure of Texas relating to the pay of bailiffs, and relating to the maximum amount of fees to be paid such bailiffs, and providing for the entry to an order of court in relation thereto upon the minutes, and providing that deputy sheriffs shall not receive pay as bailiffs."

Read first time and referred to Committee on Criminal Jurisprudence.

Senate Concurrent Resolution No. 4.

S. C. R. No. 4, granting leave of absence to J. A. Platt, was sent up by Senator Dean.

The resolution was read and adopted.

Senate Bill No. 46.

The Chair laid before the Senate on the calendar

S. B. No. 46, A bill to be entitled "An Act to amend Articles 3 and 4 of the Revised Statutes of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature of 1911, providing for the adoption of a child where the parent or parents have voluntarily abandoned such child."

The bill was read the second time.

Senator Witt moved that the minority report that the bill do pass be adopted.

Senator Dayton moved as a substitute that the majority report that the bill do not pass be adopted.

The previous question was ordered on the Committee report. The yeas and nays were demanded and the majority report failed to be adopted by the following vote:

Yeas—9.

Bledsoe.	Dudley.
Caldwell.	Hertzberg.
Clark.	Williford.
Dayton.	Woods.
Dean.	

Nays—14.

Alderdice.	Cousins.
Buchanan of Scurry.	Davidson.

Dorough.	Rector.
Faust.	Smith.
Floyd.	Suiter.
Hopkins.	Westbrook.
McNealus.	Witt.

Present—Not Voting.

Buchanan of Bell.

Absent.

Bailey.	Page.
Carlock.	Parr.
Gibson.	Strickland.
Hall.	

The minority report that the bill do pass was adopted.

Senator Witt sent up the following amendment:

Amend Senate Bill No. 46: Add "Art. 5" emergency clause.

The amendment was read and adopted.

The bill was passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 46 was put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Faust.
Bledsoe.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Clark.	Rector.
Cousins.	Smith.
Davidson.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.

Nays—1.

Woods.

Absent.

Bailey.	Hall.
Carlock.	Page.
Gibson.	Parr.

The bill was read the third time and finally passed by a viva voce vote.

Bills Signed.

After their captions had been read, the Chair signed in the presence of the Senate the following bills and resolutions:

House Bill No. 14, House Bill No. 28, House Concurrent Resolution No. 8, and House Concurrent Resolution No. 9.

Recess.

On the motion of Senator Dudley, the Senate stood recessed until this afternoon at 2 o'clock.

Afternoon Session.

The Senate was called to order by Lieutenant Governor Johnson at 2 o'clock pursuant to recess.

Senate Bill No. 51.

The Chair laid before the Senate on the calendar.

S. B. No. 51, A bill to be entitled "An Act to amend Section 28, Article 1121 of the Revised Civil Statutes of the State of Texas by authorizing corporations heretofore and hereafter to be organized thereunder, to act as general commercial brokers and custom brokers in the United States and foreign countries, in addition to the powers already provided thereby, and declaring an emergency."

The bill was read second time, and on motion of Senator Dudley was passed to engrossment.

On the motion of Senator Dudley the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Clark.	Rector.
Cousins.	Smith.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.

Absent.

Bailey.	Hertzberg.
Bledsoe.	Page.
Carlock.	Parr.
Gibson.	Strickland.
Hall.	

The bill was read third time and finally passed by the following vote:

Yeas—21.

Alderdice.	Floyd.
Bledsoe.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Cousins.	Smith.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Carlock.	Page.
Clark.	Parr.
Gibson.	Strickland.

Senate Bill No. 47.

Senator Williford called up on its final passage

S. B. No. 47, A bill to be entitled "An Act to amend Section 1 of Chapter 7, page 8 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, so as to provide that the suspension of sentence in certain cases of conviction of felony shall not apply to persons over age of 25 years, and declaring an emergency."

Senator Dean sent up the following amendment:

Amend Senate Bill No. 47 by inserting between the word "shall" and "suspend" in line 19, page 1, the following:

"When the jury shall recommend suspension of the sentence as provided for in Section 2, Chapter 7, of the General Laws of the Regular Session of the Thirty-third Legislature."

The amendment was read and adopted by unanimous vote.

The bill was read third time, and on motion of Senator Williford was passed by the following vote:

Yeas—21.

Alderdice.	Cousins.
Bledsoe.	Davidson.
Buchanan of Scurry.	Dayton.
Carlock.	Dean.

Dorough.	Smith.
Dudley.	Suiter.
Faust.	Westbrook.
Floyd.	Williford.
Hopkins.	Witt.
McNealus.	Woods.
Rector.	

Absent.

Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Caldwell.	Page.
Clark.	Parr.
Gibson.	Strickland.

Senate Bill No. 52.

The Chair laid before the Senate on the calendar

S. B. No. 52, A bill to be entitled "An Act prescribing procedure in suits where misjoinder of parties or causes of action exists so that such suits shall not on account thereof abate but shall be subdivided and the different branches, within the jurisdiction of the Court, given subnumbers and said causes, as divided proceed to trial on the original or amended pleadings and declaring an emergency."

The bill was read second time, and on motion of Senator Hopkins was passed to engrossment.

On the motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—21.

Alderdice.	Floyd.
Bledsoe.	Hopkins.
Buchanan of Scurry.	McNealus.
Clark.	Rector.
Cousins.	Smith.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Caldwell.	Page.
Carlock.	Parr.
Gibson.	Strickland.

The bill was read third time, and on motion of Senator Hopkins, was passed by the following vote:

Yeas—21.

Alderdice.	Floyd.
Bledsoe.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Rector.
Cousins.	Smith.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Hall.
Buchanan of Bell.	Hertzberg.
Carlock.	Page.
Clark.	Parr.
Gibson.	Strickland.

Senate Bill No. 61.

The Chair laid before the Senate on the calendar

S. B. No. 61, A bill to be entitled "An Act to amend Section 17, of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, so as to provide that all proceeds heretofore and hereafter arising from activities under such act affecting lands belonging to the University of Texas, save and except the royalties as provided in this Act, shall be credited to the available fund of such institution and shall be held by the Board of Regents of such institution, in a special building fund and shall be expended by them only for the erection of buildings or for other permanent improvements; and to provide that all royalties collected or paid under such Act arising from lands belonging to the University of Texas shall be credited to the permanent fund of such institution, and declaring an emergency."

The bill was read second time, and on motion of Senator Caldwell was passed to engrossment.

On the motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—22.

Alderdice.	Cousins.
Bledsoe.	Davidson.
Buchanan of Scurry.	Dayton.
Caldwell.	Dean.
Clark.	Dorough.

Dudley.	Smith.
Faust.	Suiter.
Floyd.	Westbrook.
Hopkins.	Williford.
McNealus.	Witt.
Rector.	Woods.

Absent.

Bailey.	Hertzberg.
Buchanan of Bell.	Page.
Carlock.	Parr.
Gibson.	Strickland.
Hall.	

The bill was read third time, and on motion of Senator Caldwell, was finally passed by a viva voce vote.

Simple Resolution No. 12.

Senator Clark sent up the following simple resolution:

Whereas, the Daughters of the Republic have vacated the southeast room of the second floor of the capitol building, and

Whereas, the quarters occupied for the office of the President of the Senate are not properly ventilated; therefore, be it

Resolved, That the southeast room of the capitol mentioned above, and the adjoining room be assigned as offices for the President of the Senate, and that the former offices of the President of the Senate be assigned a room for lady employes and a mailing room.

Resolved, That \$500.00 or so much thereof as may be necessary be appropriated out of the contingent expense fund of the Senate to make necessary furnishings and changes, which shall be made by the committee on contingent expense.

Senator Dayton sent up the following amendment:

Strike out "\$500.00" and insert in lieu thereof "\$1,000.00."

Senator Hopkins moved to refer the resolution and amendment to the Committee on Contingent Expenses.

The motion was lost.

The amendment to the resolution was adopted.

The resolution as amended was adopted.

Senate Bill No. 57.

The Chair laid before the Senate on the calendar

S. B. No. 57, A bill to be entitled

"An Act to amend Sections 5 and 21, Chapter 118, General Laws of the Thirty-second Legislature, Regular Session, approved March 28, 1911, entitled 'An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses and make other improvements for the purpose of drainage, etc., and declaring an emergency'; the said sections relating to the appointment of civil engineers and district engineers for such districts and the compensation of said assistants for such engineers, so that said sections shall hereafter read as herein set out; and declaring an emergency."

The bill was read second time, and on motion of Senator Cousins was passed to engrossment.

On the motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—25.

Alderdice.	Floyd.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Cousins.	Smith.
Davidson.	Suiter.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.
Faust.	

Absent.

Bailey.	Hall.
Carlock.	Parr.
Gibson.	Strickland.

The bill was read third time, and on motion of Senator Cousins was passed by the following vote:

Yeas—21.

Alderdice.	Faust.
Bledsoe.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Clark.	Page.
Cousins.	Rector.
Dean.	Smith.
Dudley.	Suiter.

Westbrook.	Woods.
Witt.	Present—Not Voting.

Williford.	Absent.
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Bailey.	Gibson.
Carlock.	Hall.
Davidson.	Parr.
Dayton.	Strickland.
Dorough.	

Bills Signed.

The Chair signed in the presence of the Senate, after their captions had been read, the following bills:

House Bill No. 16, House Bill No. 15, House Bill No. 39, House Bill No. 19, House Bill No. 10, House Bill No. 23 House Bill No. 45, House Bill No. 24 House Bill No. 18, House Bill No. 30, House Bill No. 34, House Bill No. 63, House Bill No. 74, House Bill No. 83, Senate Bill No. 24, and Senate Concurrent Resolution No. 1.

Senate Concurrent Resolution No. 5.

Senator Caldwell received unanimous consent to send up Senate Concurrent Resolution No. 5:

S. C. R. No. 5, requesting the Industrial Welfare Commission to postpone the putting into effect of the provisions of "An Act regulating the employment of women and minors."

Senator Caldwell moved the adoption of the resolution.

Senator Hopkins made the point of order that the rules required the resolution to go to a committee.

The Chair overruled the point of order.

Senator Smith moved as a substitute that the resolution be referred to the Committee on Labor. The yeas and nays were demanded on the substitute, and the substitute motion failed by the following vote:

Yeas—9.

Buchanan of Bell.	Suiter.
Buchanan of Scurry.	Westbrook.
Cousins.	Witt.
McNealus.	Woods.
Smith.	

Nays—16.

Alderdice.	Clark.
Bledsoe.	Davidson.
Caldwell.	Dayton.

Dean.
Dorough.
Dudley.
Faust.
Floyd.

Hertzberg.
Hopkins.
Page.
Rector.
Williford.

Absent.

Bailey.
Carlock.
Gibson.

Hall.
Parr.
Strickland.

On the motion of Senator Caldwell, the resolution was adopted.

Messages from the Governor.

A messenger from the Governor presented herself at the bar of the Senate with the following executive messages:

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Senator Hertzberg, I beg to submit for your consideration the following subject, to-wit:

"An Act to amend Section 19, of Chapter 67, Special Laws, enacted at the Second Called Session of the 36th Legislature, same being a special road law for Kerr County, Texas, etc., and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Representative Blackburn, I submit for your consideration the following subject, to-wit:

"An Act to amend Section 19, of Chapter 67, Special Laws enacted at the Second Called Session of the 36th Legislature, same being a Special Road Law for Kerr County, Texas, etc., and declaring an emergency."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: At the request of Senator Hertzberg, I submit for your con-

sideration the following subject, to-wit:

"An Act creating Somerset Independent School District in Bexar County, Texas, etc."

Respectfully submitted,
W. P. HOBBY,
Governor.

Governor's Office,
Austin, Texas, June 7, 1920.

To the Thirty-sixth Legislature in Third Called Session.

Gentlemen: In view of what has been submitted for your guidance I am sure the critical situation with respect to the schools of Texas, deplorable during the last scholastic term, and threatening disaster if not relieved before the next scholastic term, is apparent.

To make available the anticipated funds at the disposal of the State without causing a deficit in the Treasury and without imposing additional taxes upon the people, is in my judgment, the exact measure of consideration which should now be extended to all children entitled to the benefits of education in Texas. To provide less would be injurious to the cause of education; to provide more would present difficulties in raising revenue which cannot be met with proper deliberation in the short time necessary for action. The public welfare was never more seriously involved than in the present crisis which if allowed to continue will put the life of the school system of Texas in jeopardy.

I present for your consideration a financial statement of the Treasury, prepared with care by the State Board of Control, as follows:

Statement made by the State Board of Control, of Appropriations, Balances and Estimated Balances from September 1, 1918, to August 31, 1921:

Balance, September 1, 1918	\$ 4,035,840.78
Receipts State Ad Valorem, General Revenue, September 1, 1918, to August 31, 1919	8,833,865.67
Receipts from other sources, General Revenue, Sept. 1, 1918 to August 31, 1919...	4,916,620.05
Total	17,806,326.50
Disbursed from General revenue during the period mentioned	

above	13,123,909.69
Balance, September, 1 1919	4,682,416.81
Receipts and estimated receipts from September 1, 1919 to August 31, 1920, as per statement of Comptroller of date May 12, 1920.	16,706,190.27
Total	21,388,607.08
Appropriations available during fiscal year ending Aug. 31, 1920	\$13,671,693
Estimated outstanding accounts, warrants and appropriations (these items were estimated by automatic tax board as required by Art. 7451, R. C. S. at ...\$4,210,000.00) we estimate as probable liability already paid or which may yet be paid ...\$ 2,000,000	15,671,693.00
Estimated balance in General Revenue Sept. 1, 1920, without deducting for any appropriations which the present Called Session may make...	5,716,914.08
Estimated receipts from all sources Sept. 1, 1920 to Aug. 31, 1921, on a basis of \$3,400,000,000 valuation and a 30% tax rate deducting the usual 20% for losses and cost of collecting...	15,000,000.00
Total	20,716,914.00
Appropriations already made for fiscal year ending Aug. 31, 1921, without including anything for appropriations which may be made by present special session or regular session 37th Legislature	12,690,160.70
Which would leave a balance of	\$ 8,026,753.30

This calculation of revenue is indeed conservative. It is estimated that the revenues to be derived from other sources will be the same as the current year while it is reasonable to ex-

pect that next year the receipts from royalties, corporation taxes, and crude oil production will exceed those of the previous year. It is to be considered, too, that the revenues here mentioned are based upon ad valorem tax rate of thirty (30) cents. A rate of thirty-five (35) cents will bring a million and a half dollars additional into the treasury and leave an estimated balance of \$9,500,000 on August 31, 1921, instead of the balance estimated above. While in my opinion, it will not be necessary to fix the tax rate at thirty-five cents to provide the appropriations I have recommended for school purposes, yet if that necessity should arise in view of other appropriations required for State purposes, the rate may be fixed at thirty-five cents the same as the present year, which in my judgment the patriotic citizenship of Texas will welcome as a means of saving the schools of Texas from an era of inadequacy and inefficiency.

It is therefore apparent that observing every rule of reason and keeping within the bounds of safety, the appropriation of five million dollars for the public schools and approximately one million dollars for the higher institutions of education to be used during the next scholastic term may be provided at this time without increased taxation, and without causing a deficit in the treasury.

Such an appropriation for the public schools to be distributed in like manner as the available school fund will afford each and every child in Texas an additional \$4 during the next scholastic period and will insure capable instructors and the continued operation of the higher educational institutions during the next term.

I fervently hope that in the wisdom of your body such provision will be made.

Respectfully submitted,
W. P. HOBBY,
Governor.

Senate Bill No. 21.

The Chair laid before the Senate, on the calendar

S. B. No. 21, A bill to be entitled "An Act to amend Article 1173, Chapter 4, Title 15 and Article 1142, Chapter 3, Title 15 of the Code of Criminal Procedure of the State of Texas, relating to the fees allowed by Sheriffs or other peace officers

performing the same service in misdemeanor cases to be taxable against the defendant on conviction and the allowance to Sheriffs by Commissioners' Court of the several counties in this State for the safe keeping, support and maintenance of prisoners in or under guard, and declaring an emergency."

The bill was read the second time.

Senator Dean sent up the following amendment to the committee report:

Amend the committee report, line 22, page 3, by striking out the figures "60" and inserting in lieu thereof the figures "50", and amend the committee report line 24, page 3, by striking out the figures "80" and inserting in lieu thereof the figures "75".

Senator Davidson moved to table the amendment.

The ayes and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Bledsoe.	Faust.
Caldwell.	Floyd.
Clark.	Hertzberg.
Cousins.	McNealus.
Davidson.	Smith.
Dayton.	Westbrook.
Dudley.	Witt.

Nays—9.

Alderdice.	Hopkins.
Buchanan of Bell.	Rector.
Buchanan of Scurry.	Williford.
Dean.	Woods.
Dorough.	

Absent.

Bailey.	Hall.
Carlock.	Parr.
Gibson.	Strickland.

Pair Recorded.

Senator Sulter (present), who would vote "nay"; Senator Page (absent), who would vote "yea".

Bill Signed.

After its caption had been read, the Chair signed, in the presence of the Senate, House Bill No. 20.

Message from the House.

A messenger from the House pre-

sented himself at the bar of the Senate with the following message:

Hall of the House of Representatives.
Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

H. C. R. No. 11, Relating to traveling expenses of State employees.

S. C. R. No 2, Granting Hon. Corey C. Thomas, Judge of the 81st Judicial District, leave of absence from the State.

Respectfully submitted,

NOEL K. BROWN.

Chief Clerk House of Representatives.

Senate Bill No. 21.

The committee report carrying amendments was adopted.

Senator Dorough sent up the following amendment:

Amend the bill by adding after the words "per day", line 24, page 2, the following: "Provided, the sum allowed shall be expended on feeding the prisoners."

Senator Caldwell moved to table the amendment.

The ayes and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Alderdice.	Faust.
Bledsoe.	Floyd.
Caldwell.	Hertzberg.
Cousins.	Page.
Davidson.	Rector.
Dayton.	Smith.
Dudley.	Strickland.

Nays—12.

Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Sulter.
Clark.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Hopkins.	Woods.

Absent.

Bailey.	Hall.
Carlock.	Parr.
Gibson.	

Senator Williford sent up the following amendment:

Amend Senate Bill No. 21, page 1,

by striking out the words, "two dollars" in lines 27 and 28, and substitute therefor the words "one dollar."

Senator Cousins moved to table the amendment.

The ayes and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Bledsoe.	Floyd.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Clark.	McNealus.
Cousins.	Smith.
Davidson.	Strickland.
Dayton.	Westbrook.
Dudley.	

Nays—9.

Alderdice.	Rector.
Buchanan of Bell.	Suiter.
Dean.	Williford.
Dorough.	Woods.
Faust.	

Absent.

Bailey.	Page.
Carlock.	Parr.
Gibson.	Witt.
Hall.	

Senator Dean sent up the following amendment:

Amend the bill by striking out the word "three" in line 21, page 1, and inserting in lieu thereof the word "two".

Senator Cousins moved to table the amendment. The motion to table prevailed.

Senator Dorrough sent up the following amendment:

Amend the bill by changing the word "four" line 3, page 1, and inserting in lieu thereof the following: "Three".

Senator Cousins moved to table the amendment.

The ayes and nays were demanded, and the motion to table lost by the following vote:

Yeas—7.

Caldwell.	Smith.
Clark.	Strickland.
Cousins.	Witt.
Davidson.	

Nays—15.

Alderdice.	Buchanan of Scurry.
Buchanan of Bell.	Dayton.

Dean.
Dorough.
Dudley.
Floyd.
Hertzberg.
McNealus.

Rector.
Suiter.
Westbrook.
Williford.
Woods.

Absent.

Bailey.	Hall.
Bledsoe.	Hopkins.
Carlock.	Page.
Faust.	Parr.
Gibson.	

On the motion of Senator Dorrough the amendment was adopted.

The previous question was ordered, and Senator Cousins moved the engrossment of the bill.

The bill was ordered engrossed by the following vote:

Yeas—21.

Alderdice.	Floyd.
Bledsoe.	Hertzberg.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Rector.
Clark.	Smith.
Cousins.	Strickland.
Davidson.	Suiter.
Dayton.	Westbrook.
Dorough.	Witt.
Dudley.	

Nays—2.

Dean.	Williford.
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Present—Not Voting.

Woods.

Absent.

Bailey.	Hall.
Carlock.	Hopkins.
Faust.	Parr.
Gibson.	

On the motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—24.

Alderdice.	Dean.
Bledsoe.	Dorough.
Buchanan of Bell.	Dudley.
Buchanan of Scurry.	Floyd.
Caldwell.	Hertzberg.
Clark.	McNealus.
Cousins.	Page.
Davidson.	Rector.
Dayton.	Smith.

Strickland.
Sulter.
Westbrook.

Williford.
Witt.
Woods.

Absent.

Bailey.
Carlock.
Faust.
Gibson.

Hall.
Hopkins.
Parr.

The bill was read third time, and on motion of Senator Cousins was passed by a viva voce vote.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 64, A bill to be entitled "An Act to amend Chapter 60 of the General Laws passed by the Thirty-fifth Legislature; providing that any person owning, controlling or caring for any domestic animal or animals who shall furnish an affidavit that said animal or animals are free from fever carrying ticks shall be exempt from dipping same, and declaring an emergency."

Respectfully Submitted,
NOEL K. BROWN,
Chief Clerk House of Representatives.

Bill Referred.

After their captions had been read, the Chair referred

H. B. No. 64 to the Committee on Criminal Jurisprudence.

H. C. R. No. 11 to the Committee on Civil Jurisprudence.

Bill Introduced.

Unanimous consent was granted to send up the following bill:

By Senator Hertzberg:

S. B. No. 84, A bill to be entitled "An Act to amend Section 19 of Chapter 67, Special Laws enacted at the Second Called Session, same being a special road law for Kerr County, Texas, so as to authorize the employment of a competent, experienced and skilled highway engineer at a salary not to exceed \$3,000 per annum, diem basis at not exceeding

\$10 per day, or a basis of not exceeding 5% on the cost of road construction; and declaring an emergency."

Red first time and referred to Committee on Roads, Bridges and Ferries.

House Bill No. 11.

On the request of Senator Buchanan of Scurry, unanimous consent was granted to take up and consider, out of its order

H. B. No. 11, A bill to be entitled "An Act defining pipe and gas lines engaged, or to engage, in the transportation, sale, purchase, use or distribution of natural gas, declaring all corporations, persons, partnerships, or associations of persons now engaged, or hereafter to engage in buying, selling, distributing, and transporting natural gas for profit in this State to be public utilities, and making them subject to the provisions of this act; excepting certain companies from the provisions of this act; giving the Railroad Commission of Texas the power to fix and regulate the price of gas and the rates and charges by such public utilities for service; empowering said Commission to make rules and regulations for their conduct, and giving said Commission plenary power to make fair and equitable rules and regulations for enforcing the provisions of this act; fixing penalties for violation of this Act, and rules and orders of the said Commission; making certain violations a criminal offense and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas, or by the party aggrieved by such violation; naming the tribunal in which such recovery may be had, and providing for the recovery of excessive charges by patrons of such public utilities; providing for the equitable division of the proceeds of the sale of gas between transporting companies and distributing companies, and to apportion the supply of gas between places and persons and corporations; providing additional grounds for appointment of receivers; making this act cumulative, providing that the invalidity of any part of this act shall not invalidate the remaining parts hereof, and declaring an emergency."

Unanimous consent was granted to

have sent up and printed in the journal the following proposed amendments to House Bill No. 11:

Amendment No. 1.

Amend H. B. No. 11 by striking out all of Section No. 1 and by inserting in lieu thereof the following:

Section 1. The term "Gas Utility" and "Public Utility" or "Utility" as used in this Act means and includes persons, corporations and companies, their lessees, trustees, and receivers appointed by any court whatsoever, now or hereafter owning, managing, operating, leasing or controlling within this State any wells, pipe lines, plant, property, equipment, facility, franchise, license or permit for either one or more of the following kinds of business:

(1) (a) Producing or obtaining, transporting, conveying, distributing or delivering natural gas, for public use or service for compensation; (b) or for sale to municipalities of persons or companies, in those cases referred to in paragraph 3 hereof, engaged in distributing or selling natural gas to the public; (c) or for sale or delivery of natural gas to any person or firm or corporation operating under franchise or a contract with any municipality or other legal subdivision of the State; (d) or for sale or delivery of natural gas to the public for domestic or other use.

(2) Owning, or operating or managing a pipe line for the transportation or carriage of natural gas, whether for public hire or not, if any part of the right of way for said line has been acquired or may hereafter be acquired by the exercise of the right of eminent domain; or if said line or any part thereof is laid upon, over or under any public road or highway of this State, or street or alley of any municipality, or the right of way of any railroad or other public utility; including also any gas utility authorized by any law to exercise the right of eminent domain.

(3) The business of producing or purchasing natural gas and transporting or causing the same to be transported by pipe or lines to or near to the limits of any municipality in which said gas is received and distributed or sold to the public by another public utility or by said municipality, in all cases where such business is in fact the only or prac-

tically exclusive agency of supply of natural gas to such utility or municipality, is hereby declared to be a virtual monopoly and a business and calling affected with a public interest, and the said business and all property employed therein within this State are hereby subject to the provisions of this Act and to the jurisdiction and regulation of the Commission as a gas utility.

Every gas utility as defined in this Act is hereby declared to be affected with a public interest and subject to the jurisdiction, control and regulation of the Commission as provided in this Act, provided, that the rates and service of any gas utility plant, property, equipment or facilities owned or operated by a municipality shall not be subject to the jurisdiction, regulation or control of the Commission.

Amendment No. 2.

Amend House Bill No. 11 by striking out the first sentence in Section No. 4, thereof, down to the first period.

Amendment No. 3.

Amend House Bill No. 11 by inserting after Section No. 5 thereof the following Sections, and by re-numbering the present original sections 6 to 10 of the original bill to correspond, to-wit:

Sec. 6. Nothing in this act shall restrict the rights of cities, towns and municipalities to control the use of their public streets and alleys; and nothing in this Act shall be construed as taking away from the cities, towns or municipalities of this State any of their existing powers to regulate the rates, service, rules, regulations and practices of public utilities operating in such cities, town or municipalities. When a city government has ordered any existing rate reduced, the gas utility affected by such order may appeal to the Commission by filing with the Commission, on such terms and conditions as the Commission may direct, a petition and bond to review the decision, regulation, restriction, ordinance, or order of the city, town or municipality. Upon such appeal being taken the Commission shall set a hearing and may make such order or decision in regard to the matter involved in the determination, decision ordinance or order, of

the city, town or municipality, as the Commission may deem just and reasonable. Whenever a public utility so appeals from the decision, restriction, ordinance or order of the city, or town or municipality, to the Commission, the Commission shall hear such appeal de novo and shall treat the appeal or complaint as though it were an original complaint. Whenever any local distributing company or concern whose rates have been fixed or may hereafter be fixed by any municipal government desires a change of any of its rates, rentals or charges, it shall make its application to the municipal government of the city, town or municipality in which such utility is located and such municipal government shall determine said application, within sixty days after said application is presented to it, unless the determination thereof may be longer deferred by agreement between the municipality and the gas utility affected. If the municipal government should reject such application or fail or refuse to act on it within sixty days, then the utility may appeal to the Commission as herein provided but the rates fixed by such municipal government shall remain in full force and affect until ordered changed by the Commission.

Sec. 7. The pipe line expert provided for in Section 11 of the Act of February 20, 1917, being an Act for the regulation of oil pipe lines, shall likewise assist the Commission in the performance of its duties under this Act, under the direction of the Commission, under such rules and regulations as it may prescribe.

Sec. 8. The Commission shall have power to employ and appoint, from time to time, such experts, assistants, accountants, engineers, clerks and other persons as it shall deem necessary to enable it at all times to inspect and audit all records or receipts, disbursements, vouchers, prices, pay rolls, time cards, books and official records, to inspect all property and records of the utilities subject to the provisions hereof, and to perform such other service or services as may be directed by the Commission or under its authority. Such persons and employees of the Commission shall be paid for the service rendered, such sums at such times and under such conditions as may be fixed and prescribed by the Commission, and such salaries, wages

and fees shall be paid out of the moneys and funds as in this Act directed.

Sec. 9. Each witness who shall appear before the Commission or a Commissioner at a place outside the county of his residence, shall receive for his attendance three (\$3.00) dollars per day and three cents per mile traveled by the nearest practicable route, in going to and returning from the place of meeting of said Commission or Commissioner which shall be ordered paid, upon the presentation of proper vouchers, sworn to by such witness and approved by the Commission or the Chairman thereof out of the moneys and funds arising under this Act, provided, that no witness shall be entitled to any witness fees or mileage who is directly or indirectly interested in any public utility involved in or concerning which, in any way, the investigation or hearing on account of which he is summoned, shall relate, or who is in any wise interested in any stock, bond, mortgage, security or earnings of any such utility, or who shall be the agent, attorney or employee of such utility, or any officer thereof, when summoned at the instance of such utility; and no witness furnished with free transportation shall receive pay for the distance he may have traveled on such free transportation.

Sec. 10. In case any witness shall fail or refuse to obey a subpoena by the Commission, or a Commissioner, the Commission or Commissioner may issue an attachment for such witness, directed to any sheriff or any constable of the State of Texas, and compel him to attend before the Commission or any Commissioner thereof, and give his testimony upon such matters as may be lawfully required of him, and to bring with him and produce on examination such records, books, vouchers, memoranda, true copies thereof, prints and such other matter as may be required, if any, in such subpoena. Should a witness fail or refuse to attend on being summoned, or to answer any question propounded to him, or to produce any record or data required to be produced by such subpoena, the claim that any such testimony may tend to criminate the person giving it shall not excuse such witness from testifying or producing such records and data, but such evidence or testimony shall not be used against such

person on the trial of any criminal proceeding. The sheriff or constable executing any process issued by the Commissioner thereof under the provisions of this Act shall receive such compensation as may be allowed by the Commission not to exceed the fees prescribed by law for a similar service. For the purpose of enforcing this Act, and generally, the power and authority is hereby conferred upon the Commission to punish for contempt as courts of record under existing law.

Sec. 11. Except as in this section provided, every gas utility subject to the provision of this Act, on or before the first day of January, 1921, and quarterly thereafter, shall file with the Commission a statement, duly verified as true and correct by the President, Treasurer or General Manager, if a company or corporation or by the owner or one of them, if an individual or co-partnership, showing the gross receipts of such utility for the quarter next preceding, or for such portion of said quarterly period as such utility may have been conducting any business, and at such time shall pay into the State Treasury at Austin, Texas, funds, a sum equal to one-fourth of one per cent of the gross income received from all business done by it within this State during said quarter, to be designated as the "Gas Utilities Fund". The gross receipts tax charge herein required to be paid, when paid, shall be allowed as an operating expense.

Sec. 12. The salary and expense of the "Expert" and of his assistants, if any, and the salaries, wages, fees and expenses of every other person employed or appointed by the Commission under the provisions of this Act, and all other expenses, costs and charges, including witness fees and mileage fees and mileage, incurred by or under authority of the Commission, or a Commissioner, in administering and enforcing the provisions of this Act, or in exercising any power and authority hereunder, shall be paid from and out of the Gas Utilities Fund by the State Treasurer on warrant of the Comptroller of Public Accounts, on order or voucher approved by the Commission or the Chairman thereof. If the amount or total of such gross receipts charge collected shall not be sufficient, during any quarterly period, to pay such salaries, costs, charges, fees and ex-

penses, then the deficit shall be paid by the State Treasurer out of the general revenue not otherwise appropriated, until sufficient funds have accrued to said Gas Utilities Fund from payment of said gross receipt tax, said expenses shall be paid by the State Treasurer out of the general revenue not otherwise appropriated. Any surplus remaining in the Gas Utilities Fund, after paying all such salaries, costs, fees and charges after deducting such amount as may be contracted to be paid and incurred and such as may be reasonably estimated by the Commission for its use, shall be paid over to the General revenue funds.

Sec. 13. Every gas utility as defined in this Act shall have an office in one of the counties of this State in which its property or some part thereof is located and shall keep in the said office all books, accounts, papers, records, vouchers and receipts as shall be required by the Commission. No books, accounts, papers, records, receipts, vouchers or other data required by the Commission to be so kept shall be at any time removed from this State except upon such conditions as may be prescribed by the Commission.

Sec. 14. If any gas utility or other party at interest be dissatisfied with the decisions of any rate, classification, rule, charge, order, act or regulation adopted by the commission, such dissatisfied utility or party may file a petition setting forth the particular cause or causes of objection to such decision, act, rate, rule, charge, classification, or order, or to either or all of them, in a court of competent jurisdiction in Travis County, Texas, against said Commission as defendant. Said action shall have precedence over all other causes on the docket of a different nature, and shall be tried and determined as other civil causes in said court. Either party to said action may appeal to the appellate court having jurisdiction of said cause; and said appeal shall be at once returnable to said appellate court, at either of its terms; and said action so appealed shall have precedence in said appellate court of all causes of a different character therein pending; provided, that, if the court be in session at the time such right of action accrues, the suit may be filed during such term and stand ready

for trial after ten days' notice. In all trials under the foregoing article, the burden of proof shall rest upon the plaintiff, who must show by clear and satisfactory evidence that the rates, regulations, orders, classifications, acts or charges complained of are unreasonable and unjust to it or them.

Amendment No. 4.

Amend House Bill No. 11 by striking out the caption and inserting in lieu thereof the following:

H. B. No. 11.

By Cox.

A BILL to be entitled.

"An Act defining and declaring certain natural gas pipe lines and business public utilities as virtual monopolies and subjecting same to the power and jurisdiction of the Railroad Commission of Texas to regulate and to enact rules, regulations, orders and decisions for the government and conduct of the business of the same, and requiring of said utilities compliance with the same, and safe, sufficient, and adequate service; excepting from this Act plants owned by municipalities; requiring charges of said public utilities subject to this Act for their services or commodities to be just, reasonable, nondiscriminatory and adequate, and providing for the reimbursement of charges collected in excess of permitted or reasonable charges to persons entitled thereto; conferring on said Commission power to prescribe methods of accounts, to require the filing of reports and schedules, to determine the rates, charges, returns and practices of said utilities upon application or its own initiative, prohibiting discrimination in rates, charges or compensations received by said utilities with certain exceptions; providing for retaining control over distributing companies by the municipal governments of the various municipalities, but allowing the utility to appeal to the Commission in certain cases; providing for judicial review of acts, orders, decisions of the said Commission and the conduct thereof and of appeals, and conferring jurisdiction on the District Courts, Court of Civil Appeals, and the Supreme Court in such cases; providing for the enforcement of the Commission's orders, rules, regulations, decisions and the provisions of this Act by mandamus, injunction, mandatory injunction, and receivership and penalties for the violation of same, and conferring jurisdiction on the

District Courts and providing for appeals in such cases; requiring utilities subject to this Act to maintain offices and keep records within certain counties or municipalities; requiring said utilities and their officers, agents, and employes to obey the orders of the Commission and providing penalties for violation of same and for the enforcement thereof; requiring reports of annual income and levying a gross receipts tax on the incomes of said utilities, and authorizing the Commission to employ an expert and other assistants and directing the State Treasurer to make disbursements for the payment of salaries and expenses approved by the Commission; fixing fees of sheriffs and constables and witnesses and authorizing process to secure attendance of witnesses and requiring testimony and evidence to be produced; providing penalty for unlawful disclosure of information received by the Commission's employees; declaring the sections and clauses separable and the invalidity of one shall not invalidate the remaining; repealing Acts inconsistent herewith and declaring an emergency."

Amendment No. 5.

Amend House Bill No. 11 by striking out of said bill Section No. 7 thereof and by re-numbering succeeding sections to correspond.

WOODS.

Amendment No. 6.

Amend House Bill No. 11 by striking out all of Section 7 beginning at line 1, page 7 and extending down to and including the word "law" in line 12, on page 7 of the printed bill.

WITT.

Amendment No. 7.

Amend House Bill No. 11 by striking out all of that portion of Section 6 beginning with the word "such" in line 17 page 6 of the printed bill and extending down to and including the word "months" in line 32, page 6 of the printed bill.

WITT.

Amendment No. 8.

Amend House Bill No. 11 by inserting after Section 5 at line 8, on page 6, of the printed bill, the following:

"Section 6. Any corporation heretofore or hereafter organized under the General Laws of this State for the pur-

pose of engaging in the oil and gas producing business, prospecting for, and producing oil and gas, owning and holding lands, leases and other property for said purposes; and owning or operating gas pipe lines in this State, may with the consent of a majority in the amount of its stockholders separately incorporate such gas pipe lines, by the organization of a pipe line corporation, and the sale and conveyance to it of such gas pipe lines of the organizing corporation. And in any case herein provided for, the organizing corporation may subscribe for and own the stock of the organized gas pipe line corporation, without being precluded from engaging in the oil and gas producing business." And by numbering the succeeding sections to correspond.

WITT.

Amendment No. 9.

Amend House Bill No. 11 by striking out all of the last paragraph of subdivision (d) Section 1, beginning with the word "is" in line 7, page 3, of the printed bill, and extending down to and including the word "village" in line 13, page 3 of the printed bill, and inserting in lieu thereof the following:

"Is hereby declared to be a public utility and subject to the provisions hereof. And it is expressly provided that the jurisdiction of the Commission and the provisions of this Act shall apply to gas plants, the property and equipment of which is situated either in whole or in part within an incorporated city, town or village, and to local gas distributing companies, the property and equipment of which is situated either in whole or in part in any incorporated city, town or village in this State."

DAYTON,
DOROUGH.

Senator Caldwell received unanimous consent to have a proposed substitute for House Bill No. 11 printed in the Journal:

See Appendix.

Special Orders Set.

Unanimous consent was granted to make House Bill No. 11 special order Wednesday morning after morning call.

Unanimous consent was granted to take up Senate Bill No. 68, and make it special order for Tuesday morning at 10:30 a. m.

Bills Introduced.

Unanimous consent was granted to send up the following bills:

By Senator Bledsoe:

S. B. No. 85, A bill to be entitled "An Act creating the Perryton Independent School District in Ochiltree County, Texas, and defining its boundaries; providing for the creation of a Board of Trustees to manage and control the public free school within said district; their mode of election and tenure of office; conferring upon said trustees all the rights, powers, etc., etc.; providing for the raising of revenue, issuing bonds and levying, assessing and collecting taxes, etc.; for the election of a superintendent and other employees and the compensation of the members of said board; for a seal and its use and for the administration of oaths, etc.; adopting the provisions of existing and hereinafter enacted State laws; providing that all laws in conflict herewith are repealed and that invalidity of any portion hereof shall not impair the remainder of this Act and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Buchanan of Scurry:

S. B. No. 86, A bill to be entitled "An Act to make appropriations for the years 1920 and 1921 providing for expert cotton graders, classers and staplers and expert market men to be employed by the Commissioner of Markets and Warehouses to aid in stapling, grading and marketing the enormous stock of low grade cotton now held in the State by farmers, bankers and business men, and declaring an emergency."

Read first time and referred to Committee on Finance.

House Bill No. 13.

On the request of Senator Clark unanimous consent was granted to take up and consider

H. B. No. 13, A bill to be entitled "An Act amending the act creating the Garwood Independent School District, etc., and declaring an emergency."

The majority report that the bill do pass was adopted.

Senator Clark sent up the following amendment:

Amend House Bill No. 13 by striking

out all before the enacting clause and substituting a new caption as follows, and by striking out all after the enacting clause and adding the following Sections 1 and 2:

See Appendix.

The amendment was read and adopted.

The bill was read second time, and on motion of Senator Clark was passed to its third reading.

On the motion of Senator Clark, the Constitutional rule requiring bills to be read on three several days was suspended by the following vote:

Yeas—24.

Alderdice.	Faust.
Bledsoe.	Floyd.
Buchanan of Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Clark.	Rector.
Cousins.	Smith.
Davidson.	Strickland.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.

Absent.

Bailey.	Page.
Carlock.	Parr.
Gibson.	Suiter.
Hall.	

The bill was read third time, and on motion of Senator Clark was passed by the following vote:

Yeas—24.

Alderdice.	Floyd.
Bledsoe.	Hertzberg.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Rector.
Cousins.	Smith.
Davidson.	Strickland.
Dayton.	Westbrook.
Dean.	Williford.
Dorough.	Witt.
Dudley.	Woods.

Absent.

Bailey.	Hall.
Carlock.	Parr.
Faust.	Suiter.
Gibson.	

Senate Bill No. 28.

The Chair laid before the Senate on the calendar

S. B. No. 28, A bill to be entitled "An Act to amend article 1460, chapter 2, title 29, of the Revised Civil Statutes of 1911, and amended by the 34th Legislature, page 203, and amended by the 35th Legislature, Civil Statutes of 1911, providing for the appointment and compensation of County Auditors in Counties having a population of forty thousand inhabitants, according to the last United States census, or having a tax valuation of fifteen million dollars according to the last approved tax rolls and also providing for appointment of assistants and declaring an emergency."

On the motion of Senator Witt the bill was laid on the table subject to call.

An Invitation.

Senator Dudley received unanimous consent to send up an invitation to the Senate to the Texas Bar Association at El Paso. The invitation was accepted on the motion of Senator Clark. See Appendix.

Simple Resolution No. 13.

Senator Witt received unanimous consent to send up the following resolution:

By Senators Witt, Buchanan of Scurry, Dean:

Whereas, Mr. C. M. Calloway, who now holds the position of Old Title and Deposition Clerk in the Land Office, is now sixty-seven years of age and has been a faithful and efficient employee of the Land Office of the State of Texas for a period of fifty years; therefore, be it

Resolved, by the Senate, that recommendation be and the same is hereby made to the Land Commissioner of the State of Texas that this honored and aged employee, in recognition of his aforesaid services to the State, be by the Commissioner of the Land Office, at such time as is mutually satisfactory, granted a vacation and leave of absence of three months on pay.

And that a copy of this resolution be furnished the Land Commissioner and a copy be furnished to Mr. C. M. Calloway.

The resolution was read and adopted.

Bill Introduced.

Unanimous consent was granted to send up the following bill:

By Senator Smith:

S. B. No. 87, A bill to be entitled "An Act conferring certain powers upon the Commissioners Courts of this State, and authorizing said Courts to appropriate any sum or sums of money out of the County funds for farmers and co-operative demonstration work and home demonstration work in their respective counties along the same lines as this work is or may be conducted by the extension service of the Agricultural and Mechanical College of Texas, and the United States Department of Agriculture in co-operation with said Institution and Department and upon such terms and conditions as may be agreed upon between the agent or agents of said extension service and the Commissioners' Court and repealing an Act passed by the Regular Session of the Thirty-second Legislature of the State of Texas, same being Chapter 62 thereof and an Act passed at the First Called Session of the Thirty-fifth Legislature, same being Chapter 35 thereof, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Adjournment.

On the motion of Senator Dayton, the Senate stood adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions.

The Chair presented a petition advocating the adoption of the educational appropriation bill.

Invitation from El Paso.

El Paso, Texas, June 5, 1920.
Hon. R. M. Dudley, Austin, Texas.

Dear Sir: I am instructed by the Bar Association of El Paso to request that you ask the members of the Texas Senate and House of Representatives together with the officers thereof, to be present at the annual meeting of the Texas Bar Association, which will be held in El Paso the first, second and third of July.

Very sincerely yours,

J. M. GOGGIN,
President El Paso Bar Association.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, June 7, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 27 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, June 7, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 66 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, June 7, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 32 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, June 7, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 73 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, June 7, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 46 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, June 7, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 52 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, June 7, 1920.
Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills have had Senate Bill No. 45 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 51 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 61 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 47 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 57 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Enrolling Committee Reports.

Committee Room,

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We your Committee on Enrolled Bills, to whom was referred Senate Concurrent Resolution No. 1, have carefully compared same and find it correctly enrolled, and have this day at 3:40 o'clock p. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Dorrough, Strickland, Suiter, Floyd.

Be it Resolved, by the Senate, the House concurring That an invitation

be extended our distinguished United States Senator, Honorable Morris Sheppard, to address a joint meeting of the two Houses at such time, prior to June 12th, as may suit his convenience. And secretary of the Senate and clerk of the House are hereby authorized to notify him by wire of this action.

Committee Room,

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson President of the Senate.

Sir: We, your Committee on Enrolled Bills to whom was referred Senate Bill No. 24, have carefully compared same and find it correctly enrolled, and have this day, at 3:40 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

The following is the bill in full:

S. B. No. 24.

An Act creating the county court at law for Wichita County, Texas, and fixing and defining its duties, powers and jurisdiction, and also fixing the salaries of the judge of the county court of law and the salary of the county judge of Wichita County, Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby created a court to be held in Wichita County, to be called the county court of Wichita County at law.

Sec. 2. The county court of Wichita County at law shall have jurisdiction in all matters and causes, civil and criminal, original and appellate, over which by the general laws of the State, the county court of said county would have jurisdiction, except as provided in Section three of this Act; and all cases other than probate matters and such as are provided in Section three of this Act, be and the same are hereby transferred to the county court of Wichita County at law and all writs and process, civil and criminal, hertofore issued by or out of said county court, other than pertaining to matters over which by Section three of this Act, jurisdiction remains in the county court of Wichita County, be and the same are hereby made returnable to the county court of Wichita County at law. The jurisdiction of the county court of Wichita County at

law and the judge thereof shall extend to all matters of eminent domain, of which jurisdiction has been heretofore vested in the county court or in the county judge, but this provision shall not effect the jurisdiction of the commissioners court, or of the county judge of Wichita County as the presiding officer of such commissioners court as to roads, bridges, and public highways, and matters of eminent domain which are now within the jurisdiction of the commissioners court or the judge thereof.

Sec. 3. The county court of Wichita County shall retain as heretofore, the general jurisdiction of a probate court; it shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis, common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law; and the said court, or the judge thereof, shall have the power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said court, and also to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the State; but said county court of Wichita County shall have no other jurisdiction, civil or criminal, the county judge of Wichita County shall be the judge of the county court of Wichita County. All ex-officio duties of the county judge shall be exercised by the said judge of the county court of Wichita County, except in so far as the same shall by this Act be committed to the judge of the county court of Wichita County at law.

Sec. 4. The terms of the county court of Wichita County at law and the practice therein, and appeals and writs of error therefrom, shall be as prescribed by laws relating to county courts. The terms of the county court of Wichita County at law shall be held as now established for the terms of the county court of Wichita County until the same may be changed in accordance with the law.

Sec. 5. There shall be elected in

said county by the qualified voters thereof, at each general election, a judge of the county court of Wichita County at law, who shall be well informed in the laws of the State, who shall hold his office for two years, and until his successor shall have duly qualified.

Sec. 6. The judge of the county court of Wichita County at law, shall execute a bond and take the oath of office as required by the law relating to county judges.

Sec. 7. A special judge of the county court of Wichita County at law, may be appointed or elected as provided by law relating to county courts and to the judges thereof.

Sec. 8. The county court of Wichita County at law, or the judges thereof shall have power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, and supersedeas, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of said court or of any other court or tribunal inferior to said court.

Sec. 9. The county clerk of Wichita County, shall be the clerk of the county court of Wichita County at law; the seal of the said court shall be the same as that provided by law for county courts, except that the seal shall contain the words "clerk of the county court of Wichita County at law." The sheriff of Wichita County shall in person or by deputy, attend the said court when required by the judge thereof.

Sec. 10. The jurisdiction and authority now vested in the county court for the appointment of jury commissioners and the selection and service of jurors, shall be exercised by the county court of Wichita County at law.

Sec. 11. Any vacancy in the office of the judge of the court created by this Act, may be filled by the commissioners court of Wichita County until the next general election. The commissioners court shall soon as may be, after this Act shall take effect, appoint a judge of Wichita County at law, who shall serve until the next general election and until his successor shall be duly elected and qualified.

Sec. 12. The judge of the county court of Wichita County at law,

shall collect the same fees as are now established by law relating to county judges, all of which shall be by him paid monthly into the county treasury, and he shall receive an annual salary of three thousand dollars per annum, payable monthly, to be paid out of the county treasury by the commissioners court.

Section 13. The county judge of Wichita County, Texas, shall collect the same fees as are now established by law relative to county judges, all of which shall be by him paid monthly into the county treasury, and he shall receive an annual salary of thirty-six hundred (\$3,600.00) dollars per annum, payable monthly, to be paid out of the county treasury by the commissioners court.

Sec. 14. The fact that the business of the county court of Wichita County is so large as to render it impossible for said court to dispose thereof, and that the congestion of business in said court seriously obstructs the administration of the laws in said county, and the near approach of the end of the session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is so suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Reports.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Banking and Insurance, to whom was referred Senate Bill No. 35, the same being,

An Act to amend Section 29 of Chapter 106, General Laws of the Regular Session of the Thirty-third Legislature as amended by Chapter 73 General Laws of the Regular Session of the Thirty-fifth Legislature, same being an act to amend Sections 5, 6, 8, 9 and 29 of Chapter 106, General Laws of the Regular Session of the Thirty-third Legislature, approved April 2, 1913, etc."

Have had the same under consideration and beg leave to report back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by inserting in Line 8, of Section 29, page 2, after the word "Act," the following:

"Provided that such expenditures, including the salaries of the members of the Commission, shall not exceed in the aggregate the sum of Two Hundred and Twelve Thousand Five Hundred (\$212,500.00) dollars per annum."

SMITH, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 51, have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 52, have had the same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 44 have had same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 72, have had same under consideration and I am directed to report it unfavorably, with the recommendation that it do not pass.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 83, have had same under consideration and I am directed to report

it favorably and recommend that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 81, have had same under consideration, and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 77, have had same under consideration, and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 79, have had the same under consideration and I am directed to report it favorably, with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 80, have had same under consideration, and I am directed to report it favorably with the recommendation that it do pass and be not printed.

ALDERDICE, Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence have had under consideration Senate Bill No. 19, "An Act to amend Article 3903, Chapter 4, Title 58, of the Revised Civil Statutes of 1911, of the State of Texas, and as amended by Chapter 142 of the Regular Session of the 33rd Legislature, and as further amended by Chapter 55 of the Regular Session of the 35th Legislature relating to the appointment

of certain officers named in Articles 3881-3886 of the Revised Civil Statutes; of deputies or assistants in the performance of the duties of such officers, where such assistants or deputies are necessary for the efficiency of the public service; providing for an application to be made by such officers to the county judge of the county for authority to appoint the same; prescribing the issuance by the county judge of an order authorizing the appointment of such assistants or deputies; providing that the officer desiring such deputies or assistants shall make affidavit that such assistants or deputies are necessary for the efficiency of the public service; providing for the salary of the Chief deputy and the other deputies or assistants; providing that the officer requesting such deputies or assistants shall fix their compensation; providing the maximum amount allowed for deputies in counties having a population from 37,500 to 100,000 as shown by the last scholastic census; and providing that in counties in excess of 100,000 inhabitants district attorneys of any district or county attorney is authorized, with the consent of the county judge, to appoint two assistants in addition to his regular force which two assistants shall not be required to possess the same qualifications required by law for district and county attorneys; providing amount paid such deputies, also providing for \$50.00 per month for necessary expenses, and to amend Article 3864 relating to the fees to be charged by sheriffs and declaring an emergency;" upon motion the bill was referred to a sub-committee composed of Senators Williford and Carlock, who reported a substitute bill in lieu of the original bill, which said substitute was upon motion adopted as a committee substitute in lieu of the original bill, and I am therefore directed to report that the committee adopted said committee substitute in lieu of the said original bill with the recommendation that it do pass and be printed in lieu of the original bill.

CARLOCK, Vice-Chairman.

Committee Room.

Austin, Texas, June 7, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 78, have had same under consideration and I am directed to report it favorably, with the recommendation

that it do pass and be not printed, but that it be printed in the Journal.

ALDERDICE, Chairman.

By Suiter. S. B. No. 78.

A BILL

To be entitled.

"An Act to validate Common School Districts containing less than nine square miles and created on or after July 1, 1919, and in which elections for the purpose of voting bonds have or may hereafter be held; validating said elections and the bonds issued or authorized to be issued in accordance with said elections; authorizing the issuance of said bonds in the same manner as if said district contained more than 9 square miles, making this said Act cumulative of all laws now in effect on this subject and not in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. All Common School Districts containing less than 9 square miles and in which an election for the purpose of issuing bonds has been held subsequent to July 1st, 1919, or may hereafter be held are hereby validated as Common School Districts and are hereby authorized to issue bonds in the same manner as Common School Districts containing more than 9 square miles.

Sec. 2. All elections for the purpose of issuing bonds in Common School Districts containing less than 9 square miles, and which said elections have been held subsequent to July 1st, 1919, and in which the proposition to issue bonds was carried by a legal majority of the qualified voters voting at said election, as required in districts containing more than 9 square miles, are hereby validated, and the same are in all things validated from and after the first day of July, 1919; provided said election or elections were ordered by the Commissioner's Court, and in its order a correct field notes of said district were contained and the correct boundaries of said district recorded in the minutes of said Court in said order, although the petition for election may have been presented to the Commissioners Court prior to the establishment of the exact boundaries of said district; and all bonds authorized by said election or elections are hereby validated and shall have the same force and effect and shall be payable in the same manner as if said district contained more than 9 square miles and

the field notes thereof properly defined prior to the presentation of the petition for the election and said bonds shall be issued in the manner as now provided by law for the issuance of bonds in Common School Districts containing more than 9 square miles.

Sec. 3. This Act shall be cumulative of all laws on the subject of issuing bonds in Common School Districts now in effect, and not in conflict herewith.

Sec. 4. The fact that there is now no adequate law authorizing the issuance of bonds in Common School Districts containing less than 9 square miles creates an emergency and an imperative public necessity requiring the suspension of the Constitutional rule requiring bills to be read on three (3) several days and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Proposed Substitute for House Bill No. 11.

By Caldwell. S. B. No.

A BILL

To be Entitled

An Act defining and declaring certain natural gas pipe lines and businesses public utilities and virtual monopolies and subjecting same to the power and jurisdiction of the Railroad Commission of Texas to regulate and to enact rules, regulations, orders, decisions, for the government and conduct of the business of the same, and requiring of said utilities compliance with the same, and safe, sufficient, and adequate service; excepting from this Act plants owned by municipalities; requiring charges of said public utilities subject to this Act for their services or commodities to be just, reasonable, nondiscriminatory and adequate, and providing for the reimbursement of charges collected in excess of permitted or reasonable charges to persons entitled thereto and for escheat of unclaimed amounts to the State; conferring on said Commission power to prescribe methods of accounts, to require the filing of reports and schedules, to value the properties, to require the maintenance of a proper reserve for depreciation and replacement, to determine the rates, charges, returns and practices of said utilities upon application or its own initiative, to require improvements and extensions,

prohibiting discrimination in rates, charges or compensations received by said utilities with certain exceptions; requiring certificates of convenience or necessity or previous approval to be obtained from said Commission in certain cases for the construction, enlargement, extension, purchase, lease, sale operation or agencies of said utilities; requiring bonds of said utilities in certain cases for the protection of their patrons and the public; providing for public hearings and re-hearings and the notice and conduct thereof in all matters before the Commission arising under this Act and conferring powers on the Commissioners with relation thereto; providing for judicial review of acts, orders, decisions of the said Commission and the conduct thereof and of appeals, and conferring jurisdiction on the District Courts, Courts of Civil Appeals, and the Supreme Court in such cases; providing for the enforcement of the Commission's orders, rules, regulations, decisions and the provisions of this Act by mandamus, injunction, mandatory injunction, and receivership and penalties for the violations of same, and conferring jurisdiction on the District Courts and providing for appeals in such cases; requiring utilities subject to this Act to maintain offices and keep records within certain counties or municipalities; requiring said utilities and their officers, agents, and employes to obey the orders of the Commission and providing penalties for violation of same and for the enforcement thereof; requiring reports of annual income and levying a gross receipts tax on the incomes of said utilities, making appropriations for the salaries of the Commissioners and authorizing the Commission to employ an expert and other assistants and directing the State Treasurer to make disbursements for the payment of salaries and expenses approved by the Commission; fixing fees of sheriffs and constables and witnesses and authorizing process to secure attendance of witnesses and requiring testimony and evidence to be produced; providing penalty for unlawful disclosure of information received by the Commission's employees; declaring the sections and clauses separable and the invalidity of one shall not invalidate the remaining; providing that no change is made in the powers, duties or emoluments of the Rail-

road Commissioners under other Acts; repealing Acts inconsistent herewith and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. This Act shall be known as the "Gas Utilities Act."

Section 2. (a) The term "Commission" when used in this Act, unless otherwise specified, means the Railroad Commission of Texas.

(b) The term "Commissioner" when used in this Act, unless otherwise specified, means one of the members of the Commission.

(c) The term "Jurisdiction of the Commission" and the term "It's Jurisdiction," when referring to the Commission, shall each include the original and appellate jurisdiction of the Commission unless the contrary shall clearly appear from the context.

(d) The term "Municipality" when used in this Act means and includes all cities and towns created or organized under the general or special laws of this State or constitutional provisions in respect thereto.

(e) The term "Service," when used in this Act, is used in its broadest and most inclusive sense, and includes not only the use or accommodation afforded consumers or patrons, but also any product or commodity furnished by any gas utility, as herein defined, and the plant, equipment, apparatus, appliances, property and facilities employed by, or in connection with, any person or company subject to the provisions of this Act.

(f) The term "Rate" or "Charge," when used in this Act, includes every individual or joint rate, toll, charge, rental or other compensation of any gas, gas utility or any two or more such individual or joint rates, tolls, charges, rentals or other compensations of any gas utility or any schedule or tariff thereof, and any rule, regulation, charge, practice or contract relating thereto.

(g) The term "Person" when used in this Act means and includes an individual, a firm and a co-partnership.

(h) The term "Company" when used in this Act means and includes a corporation, public or private, an association of two or more persons, a trust, and a joint stock association however organized, but not a municipality.

(i) The term "Gas Utility" as used in this Act means and includes persons and companies, their lessees, trustees and receivers appointed by any court whatsoever, now or hereafter

owning, managing, operating, leasing or controlling within this State any wells, plant, property, equipment, facility, franchise, license or permit for either one or more of the following kinds of business:

(1) (a) Producing or obtaining, transporting, conveying, distributing or delivering natural gas, for public use or service for compensation; (b) or for sale to municipalities or persons or companies, in those cases referred to in Section 3 hereof, engaged in distributing or selling the same to the public; (c) or for sale or delivery to any persons or companies operating under franchise or a contract with any municipality or other legal subdivision of the state; (d) or for sale or delivery to the public for domestic or other use.

(2) Owning, or operating or managing a pipe line for the transportation or carriage of natural gas, whether for public hire or not, if any part of the right of way for said line has been acquired or may hereafter be acquired by the exercise of the right of eminent domain; or if said line or any part thereof is laid upon, over or under any public road or highway of this State, or street or alley of any municipality, or the right of way of any railroad or other public utility; including also any gas utility authorized by any law to exercise the right of eminent domain.

Sec. 3. The business of producing or purchasing natural gas and transporting or causing the same to be transported by pipe line or lines to or near to the limits of any municipality in which said gas is received and distributed or sold to the public by another public utility or by said municipality, in all cases where such business is in fact the only or practically exclusive agency of supply of natural gas to such utility or municipality, is hereby declared to be a virtual monopoly and a business and calling affected with a public interest and the said business and all property employed therein within this State are hereby made subject to the provisions of this Act and to the jurisdiction and regulation of the Commission as a gas utility.

Sec. 4. Every gas utility as defined in this Act is hereby declared to be affected with a public interest and subject to the jurisdiction, control and regulation of the Commission as provided in this Act, provided, that the rates and services of any gas

utility plant, property, equipment or facilities owned or operated by a municipality shall not be subject to the jurisdiction, regulation or control of the Commission.

Sec. 5. The Commission may establish a system of accounts to be used by gas utilities and may classify such utilities and prescribe a system of accounts for each class, and for each class of business they may be engaged in. It shall be the duty of every gas utility to comply and conform with and to the orders and requirements of the Commission, as made from time to time, in respect thereto.

Sec. 5a. The Commission may require every gas utility engaged directly or indirectly in any other than a gas utility business or intrastate business, as defined by law, to keep separately in like manner and form the accounts of all such other business, and the Commission may provide for the examination and inspection of the books, accounts, papers and records of such other business, in so far as may be necessary to enforce any provision of this Act. The Commission shall have power to inquire as to and prescribe the apportionment of capitalization, earnings, debts and expenditures fairly and justly to be awarded to or borne by the ownership, operation, management or control of such gas utility as distinguished from such other business.

Sec. 6. Every gas utility subject or that may hereafter be subject to the jurisdiction of the Commission hereunder, as and when required by the Commission, shall file with the Commission such annual or other general reports as the Commission may require, the filing of which reports shall be in lieu and stead of and shall satisfy the provisions of all other laws requiring the filing of reports whether with the Secretary of State or other State or county or municipal officers, showing the valuations of such properties, their assets, earnings and other like matters.

Sec. 7. Annually on or before the first day of April, or as soon thereafter as convenient, the Commission shall report to the Governor its proceedings had during the preceding calendar year with respect to the gas utilities defined herein. Such report shall set forth all such proceedings in such detail as the Commission

may deem expedient. A sufficient number of copies of the report to accommodate all reasonable requests therefor shall be printed.

Sec. 8. The Commission is hereby vested with power and authority:

(a) To compel and require every gas utility subject to its jurisdiction to render and supply safe, efficient, and adequate service, and to find and declare whether such utility is rendering or has rendered such service; to order such improvement in the production or manufacture, transmission, distribution or supply of natural gas or service regulated by this Act or in the methods employed by such gas utility, as will, in the judgment of the Commission be safe, adequate, just and reasonable.

(b) From time to time, as it may deem expedient or necessary, to determine and fix, or find and declare, the fair value of the property or properties of the gas utilities subject to its jurisdiction, necessary and essentially used and useful in and devoted to the public service, and to fix and determine the rates, charges and rentals which the public utilities subject to the provisions hereof may demand, collect, have or receive from any person or company, the public or any members thereof, in or in connection with any public service, having due regard to a reasonable return upon capital actually expended and to the necessity of making reservations out of income for surplus and contingencies.

(c) To formulate, prescribe for and impose upon and enforce against the utilities subject to its jurisdiction such rules, regulations and practices as the Commission may deem expedient, just, proper or necessary in order that:

(1) The greatest and most generally practicable, efficient and convenient use of the service rendered by such utility may be secured and obtained for and by the public, including such extensions and enlargements of their lines, plant and property as may be deemed essential thereunto.

(2) A reduction in the unit cost of the service of such utilities and economies in the development, management, and operation thereof may be effected and secured.

(3) The industrial development and convenience of the municipality, or community, or territory served by

such utility or utilities may be promoted and advanced.

(d) To require and compel the gas utilities subject to its jurisdiction to fully and faithfully comply with and enforce every rule, regulation or practice formulated or prescribed for or imposed upon such utilities by the Commission under authority hereof.

Sec. 9. All charges made, demanded or received by any gas utility or by any two or more gas utilities for any service rendered or to be rendered, or for any product or commodity furnished or to be furnished, shall be just, reasonable, non-discriminatory, non-preferential, adequate and sufficient. The service of every gas utility shall be safe, adequate, efficient, just and reasonable. All rules, classifications and regulations made by any gas utility affecting or pertaining to its charges or service to the public shall be just and reasonable. The Commission shall have power, upon investigation and hearing, after notice as herein-after provided, to determine the reasonableness of the rates, charges, rules and regulations, classifications and practices of every gas utility as defined herein, and to fix from time to time as herein provided reasonable rates, charges, rules, regulations, classifications and practices. If upon any hearing or investigation any rate, charge, or rental, rule, regulation, classification or practice, shall be found by the Commission to be unjust, unreasonable, discriminatory, preferential, excessive, inadequate or otherwise contrary to or in violation of the provisions hereof, the Commission may fix and order substituted therefor such rates, charges and rentals, rules, regulations, classifications or practices as it shall determine to be just and reasonable and in compliance with the provisions hereof.

Sec. 10. No gas utility whose rates, charges or rentals, rules regulations, classifications and practices, or either, are subject to the jurisdiction of the Commission shall hereafter, either directly or indirectly, or through or by any rule, regulation or practice or artifice of whatever character, initially establish, abolish, reduce, change or make any increase in, any individual or joint rate, charge or rental, whether theretofore fixed by the Commission or any municipality or not, or alter, abolish,

change or amend any rule, regulation, classification or practice, unless in accordance with the provisions of this Act or until granted authority so to do by the Commission.

Sec. 11. When any gas utility shall desire to initially establish or to abolish, increase, reduce, alter, modify or change any individual or joint rate, charge, or rental, or any rule, regulation, classification or practice, it shall file with the Commission a written application setting forth its desire so to do, to which shall be attached or which shall be accompanied by, a schedule specifically showing, if any, the existing rate, charge, or rental, rule, regulation, classification or practice, and the rate, charge or rental, rule, regulation, classification or practice, which the utility desires adopted or fixed. Whenever such application shall be filed it shall be the duty of the Commission to forthwith issue notice to the municipality immediately affected thereby, if any, of the filing of such application, which notice may be served upon the Mayor or Acting Mayor of such municipality. If such rate, charge, or rental, rule, regulation, classification, or practice, as the case may be, shall, in the opinion of the Commission, affect the citizens of more than one municipality, or any portion of the public not within any municipality, then the Commission shall issue forthwith such notice of the filing thereof as it may deem adequate. Said application shall forthwith be set down for hearing by the Commission in accordance with Section 21 hereof.

Sec. 12. If, on final hearing or of adjudication of such application, or other application authorized by the provisions hereof or on a hearing initiated or continued by the Commission, it shall be determined and found, or adjudged and decreed, that the rates, charges or rentals set forth in the schedule showing the amounts charged and demanded or sought to be charged and demanded by the utility, either in whole or in part, shall not be sustained, then it shall be the duty of the utility, party to such hearing, to forthwith pay over to the State Treasurer at Austin, Texas, for the use and benefit of the persons and patrons of the utility who may have paid the same, and to otherwise comply with its bond or bonds, if any, filed with the Commission, all moneys or other

things of value collected, had or received under the rates, charges or rentals, which may be in excess of the rates, charges and rentals fixed and prescribed in the order entered on a final hearing and decision or adjudication, whether that of the Commission or any court, but failing therein the commission may enforce the collection thereof in the aggregate, or otherwise as it may elect, by proceeding against such utility and its bondsmen, and in such other way it may determine. Such required amount of any moneys, or other thing of value, recovered on such bond shall constitute a trust fund and property to be by the State Treasurer on order of the commission, as it may determine and the facts may require, paid over to the persons and patrons paying the same, and shall not be subject to the demands against, debts or obligations of such public utility however otherwise arising.

Any person or company paying such excess rate, charge or rental that shall fail to file a claim with the commission for refund thereof within two years after the entry of the final order, decision or judgment made or entered on such hearing, or filing such claim, shall fail or refuse to make satisfactory proof to the commission that claimant is the true owner of such excess rate, charge or rental, shall forfeit all further right and claim thereto and the same shall escheat to the State of Texas, and shall thereupon become a part of the gross receipts charges fund provided for in Section 39 hereof to be used, paid out and paid over as provided in this Act.

Sec. 13. The commission is hereby vested with power and authority, on its own motion in the exercise of its jurisdiction, to formulate a schedule of rates, charges or rentals, rules, regulations, classifications or practices of every or any gas utility subject to the provisions hereof deemed by it to be just and adequate and to thereupon, after giving the notice as required by Section 21 hereof, institute and hold a hearing or investigation of any individual or joint rate, charge or rental, rule, regulation, classification or practice of such utility or utilities contrary to, inconsistent or in conflict with such schedule being then had, received or collected from, demanded

of, observed, followed imposed upon or against any person or company, the public or any member thereof.

Sec. 14. Whenever the commission shall be of the opinion, after due notice, upon a hearing, that the rules, regulations classifications or practices of or governing any such gas utility subject to its jurisdiction are not just and reasonable, or that the service is unsafe, inadequate or insufficient, the commission may determine the just, reasonable and adequate rules, regulations, classifications and practices to be thereafter observed, and the safe, adequate and efficient service to be given and shall fix and prescribe the same by order served upon the utility affected; and, if so stated in the order, said utility shall notify the commission within the time therein specified, whether the terms of the order are accepted and will be obeyed.

Sec. 15. The commission shall have power to require all gas utilities as defined herein subject to its jurisdiction to file with the commission copies of all schedules of rates, charges, and rentals, rules, regulations, classifications and practices, for governing or relating to any service rendered or to be rendered or product furnished or to be furnished to any person or company, the public, or any member thereof, and to prescribe reasonable rules and regulations as to the printing and filing and public posting of advertisement of such schedules.

Sec. 16. The commission shall have the power, after hearing, to require any gas utility subject to its jurisdiction to maintain a proper and adequate reserve account for depreciation and replacements, or either, and to prescribe rules and regulations with respect thereto and forms of account therefor. The commission may likewise, from time to time ascertain and determine, and by order fix, the proper amounts to be periodically carried to such reserve, and each utility shall comply therewith.

Sec. 17. Unnecessary duplication of plants, equipment and service shall be prevented, and no gas utility, subject to the jurisdiction of the commission or which shall be in competition with a utility subject to such jurisdiction, shall henceforth begin the construction of or there-

after operate any line, plant or system or any extension of such line, plant or system, in or into a municipality or community or in or into territory already served by a like utility, without first having obtained from the commission a certificate that the present or future convenience and necessity require, or will require, such additional or duplicated facilities; provided, that this section shall not be construed to require any such utility to obtain a certificate for an extension into or about any municipality or community where it shall have theretofore lawfully commenced operations, or for an extension into territory either within or without a municipality or community contiguous to its line, plant or system and not theretofore served by a utility of like character, or for substitute or additional facilities within or to territory already served by it. The commission shall have power and authority to define and determine the scope and extent of the territory within the term "contiguous" herein used. If any gas utility in constructing, reconstructing or extending its lines, plant or system, shall interfere or be about to interfere with the existing plant, line or system of any other gas utility, the commission, on complaint of the utility claiming to be or about to be injuriously affected, may and shall have power to, after hearing, make such order and prescribe such terms and conditions with respect to either or both or all such utilities as it may determine to be just and reasonable.

Sec. 18. The commission shall have power, after hearing involving the financial ability and good faith of the applicant, the necessity for additional service in the municipality or community, and such other matters as it deems relevant, to issue a certificate of public convenience and necessity as in Section 17 provided, or to refuse to issue the same, or to issue it for the construction of a portion only of the contemplated line, plant or system, or extension thereof, or for the partial exercise only of the privilege or right sought by the applicant, and may attach to the exercise of the right granted by said certificate such terms and conditions as in its judgment public convenience, necessity and protection may require.

Sec. 19. A gas utility may acquire

by purchase, lease or otherwise, and may own, hold, maintain, use and operate any plant, line or system of any other gas utility provided, that if such plant, line or system, or any part thereof, of such other utility is in competition with the plant, line or system, or any part thereof, of such first utility, then the consent and approval of the commission, to be based upon its finding that the public will suffer no detriment, to be duly entered of record on its minutes, shall be first obtained, and likewise and under like limitations any public utility may sell, lease or otherwise dispose of any plant, line or system.

Sec. 20. No gas utility subject to the control of the commission shall, directly or indirectly, by any device whatsoever, or in any wise, charge, demand, collect or receive, from any person, company, the public or any member thereof, a greater or less or different compensation for any commodity or for any service rendered or to be rendered by such utility than is charged, demanded, collected or received by such utility from any other person, company, the public or any member thereof, for a like contemporaneous service under substantially similar circumstances and conditions, to be judged by the commission, but rates, charges or rentals, rules, regulations, classifications and practices approved and authorized by the commission shall not be construed to be in violation hereof or of the laws of this State.

Sec. 21. For the purpose of determining and deciding the matters and things specified in the provisions of this Act including the ascertainment of the past and the present value of the property necessarily and essentially used and useful in and devoted to the public service of such utilities, and the determination of the rates, charges, or rentals, the rules, regulations, classifications and practices which may be demanded, collected, had or received, established or observed and followed, it shall be requisite that the commission shall cause a fair and adequate hearing or hearings to be had at such time or times and place or places as the commission or the commissioner conducting the same may designate. When the matter shall relate to the rates, charges or rentals of such utility or utilities, the commission

shall give the utility or utilities and other parties affected twenty days written notice of the time and place of the hearing, and ten days written notice of the time and place of such hearing when the matter shall relate to the rules, regulations, classification or practices of such utility or utilities or other matters, but if the hearing shall relate to both subject matters the commission may, at its discretion, enter an order of severance with respect thereto and set down for hearing the matters respectively, after notice as herein provided, but in each case the notice shall advise the utility affected, in a general way, of the matter or matters to be considered for decision.

Section 22. On every hearing by this Act provided for, any public utility, municipality or other parties affected, shall be entitled to be heard and to introduce evidence. Evidence may be given by deposition, and the rules and practices for taking depositions provided for the district courts shall be followed as near as may be, the Secretary of the commission acting in lieu and with the powers of the district clerk. All evidence introduced on any hearing shall, upon the request of either party, be promptly reduced to writing, and at the conclusion of the hearing, together with copies of all depositions and documentary evidence, certified to by the Secretary of the commission under its seal, and he shall on request of any party to the hearing promptly furnish copies thereof for a reasonable charge, not to exceed the fees allowed district clerks for similar services, under his certificate and the seal of the commission. The commission shall make and file its finding in writing upon all matters relevant to its decision or order upon which evidence has been introduced. The findings, opinion, decision or order of the commission shall be in writing and a copy thereof shall be served in such manner as may be provided by rule of the commission on all parties to the hearing affected thereby at least twenty days if the same shall relate to or effect any rate, charge or rental and at least ten days if the same shall relate to or affect any rule, regulation classification or practice or other matter, before the same shall become effective, but any party affected by the

findings, decision, opinion or order of the commission may waive such service.

Sec. 23. All proceedings and investigations by the commission or a commissioner shall be by public hearings, and shall be regarded and conducted not as contests, but as full, fair and impartial investigations. The procedure and practice shall not be technical, and all hearings and proceedings shall be conducted with the single purpose of arriving at the real merits of the petition, application, complaint or other matter before the commission. The commission may, whenever deemed desirable, instead of setting any matter or matters for formal hearing, present the same informally to the party, or parties, affected, for consideration, suggestion or explanation, but no order adverse to any party shall be made or entered without the consent of such party, except after notice and hearing as elsewhere herein provided.

Sec. 24. The commission shall have power to adopt and publish rules not inconsistent herewith to govern its proceedings with respect to the utilities subject in any way to its jurisdiction, and to regulate the mode and manner of all investigations and hearings, provided, that no person desiring to be present at any hearing by the commission shall be denied admission.

Sec. 25. The Chairman of the commission, the secretary and each commissioner, for the purpose of this Act, shall have power to administer oaths, and to certify to all official acts, and the commission and each commissioner shall have power to compel the attendance of witnesses on subpoena or notice in such form as may be provided by the Commission, and the giving of testimony; to conduct hearings or any part thereof herein provided for within or without the State; to require and provide that all property, books, vouchers and accounts or other records and memoranda may be inspected by the commission or under its direction, and that copies thereof and photostats may be furnished to or taken by the commission, and the commission and each commissioner shall have power to punish for contempt as fully as may be provided by law for the district and county courts.

Sec. 26. Any party to any pro-

ceedings before the commission may, at any time within thirty days following the filing with the secretary of the commission of any finding, opinion, decision or order of the commission, make application for rehearing, and the same may be amended, upon leave from the commission. It shall be the duty of the commission to decide such motions within sixty days from the date of filing. If rehearing be refused, the commission shall, within ten days, give notice thereof, as is the case of original opinions, to all parties to the proceeding. If rehearing be granted and final order be not then made, and further argument and further hearing on the facts be deemed necessary, the commission shall set such matter for immediate hearing, and shall give all parties to such case not less than ten days notice of such setting, provided, that upon application of any party to such proceedings such hearing or hearings may, for good cause shown, be continued or postponed, but not so as to unreasonably delay final action. The commission shall make and file its findings, opinion, decision and order on such rehearing within sixty days after the hearing, if any, is had, is concluded and cause to be served on all parties to such proceedings a copy of its findings, opinion, decision and order within ten days after same are filed.

Section 27. Any party to any proceedings before the commission dissatisfied with any finding, opinion, decision, rule, regulation or order of the commission, may as he or it may elect, which procedural remedies shall be exclusive, appeal therefrom:

(a) To the Court of Civil Appeals having jurisdiction of appeals from the district court of Travis County, Texas.

(b) No right of appeal from or judicial review of any order or decision of the commission shall be allowed before the complaining party shall have exhausted his or its remedies before the commission.

Such appeal shall be perfected by filing with the commission on or before thirty days after service of a copy of such findings, opinion, decision or order of the commission, notice that it will take such appeal, together with bond for cost payable to the State of Texas for the benefit of all parties interested therein, unless

by general or special law exempt therefrom, such bond to be in the sum of one thousand (\$1,000.00) dollars, provided that if, in the judgment of the commission, a larger bond is required, the commission may so order, fixing the amount which shall not exceed ten thousand (\$10,000.00) dollars, and the party so appealing shall, within ten days after the service upon it of such order, substitute for its said one thousand (\$1,000.00) dollar bond another bond in the amount required by the commission. Such notice shall be accompanied by an assignment of errors specifically formulating the points that will be relied on by the party appealing. Upon the filing of such notice and assignment or errors on appeal, and bond, if bond is required, or larger bond is so ordered, the secretary of the commission shall at once prepare, in duplicate, under his hand and certificate and under the seal of the commission, a complete transcript of all the proceedings and evidence in such case, unless by agreement of all parties, portions thereof are omitted, and shall, within thirty days from the filing of such notice of appeal, deliver both copies to the party or parties taking the appeal and one copy thereof shall be filed in the said Court of Civil Appeals within sixty days after said notice of appeal is filed with the commission, unless the time for so doing shall be further enlarged by the court, and the clerk of the said court shall receive the same and docket the cause; and if not filed within said time, or as extended, the appeal shall be held to have been abandoned and without further effect.

Sec. 28. In case of an appeal by any party to a proceeding before the Commission, as in Section 27 provided for, then within sixty (60) days from the delivery of such copy of the transcript as aforesaid to the Clerk of said Court of Civil Appeals, unless, for good cause shown, the time be extended by the Court, the party taking such appeal shall file in such Court of Civil Appeals four copies of its brief and with the Commission ten copies, and if the appeal shall arise out of a complaint by or against a municipality then four copies with such municipality. Such brief shall contain a succinct statement of the case and of the points relied upon by the appellant and such references to the facts and the page or pages

of the record where they may be found and such arguments and authorities and such prayer as appellant shall deem proper. Such brief need not follow technical forms, but shall be sufficient if it clearly presents the matters to be decided by the Court.

Section 29. Within sixty (60) days after the filing with the Commission of the appellant's briefs as aforesaid, unless, for good cause shown, the time is extended by the Court, the Commission or any party to the proceedings before the Commission, other than the appellant, shall file four copies of its brief, if any, in such Court, and shall deliver four copies to the appellant, and if such brief be filed other than by the Commission, ten copies shall be filed with the Commission.

Section 30. Such appeal shall take precedence in such Court over all appeals of a different nature, except appeals relating to interlocutory orders granting or refusing or dissolving or refusing to dissolve temporary restraining orders or injunctions or appointing or refusing to appoint receivers, and if the business and terms of the Court will permit, shall be set for hearing and heard within sixty days after the time for filing briefs has expired.

Section 31. The Courts of Civil Appeals aforesaid, and such court as the cause may be transferred to, if any, shall have jurisdiction of such appeal and shall review the case on the briefs and upon so much of such record as involved in the matters and points presented by the briefs, and shall review and decide all questions of law and fact so relied on and the reasonableness, correctness and justice of the findings, opinion, decision and order of the Commission in respect thereto and may affirm, or modify and affirm, the action of the Commission or reverse and remand the case in part or in whole, to the Commission for further hearing or consideration or other proceeding not inconsistent with the opinion of the Court, provided, that no case shall be reversed on account of the admission of testimony before the Commission which would not have been admissible in Court. The judgment of the Court of Civil Appeals shall be conclusive in all such cases on the facts but writ of error shall be allowed to the Supreme Court on questions seasonably presented involving the construction or application of the provisions of the constitution of this State or of the United States and in other cases as may be provided by law.

Section 32. No new or additional evidence may be introduced in any proceeding upon appeal from a rule, regulation, order or decision of the Commission, issued or confirmed after a hearing, but the appeal shall be heard on the record of the Commission as certified to by it. The findings and conclusions of the Commission on questions of fact shall be held prima facie to be true and as found by the Commission; and a rule, regulation, order, or decision of the Commission shall not be set aside unless it clearly appears that the finding of the Commission was against the manifest weight of the evidence presented to or before the Commission for and against such rule, regulation, order or decision, or that the same was without the jurisdiction of the Commission. If it appears that the Commission failed to receive evidence properly proffered, on a hearing or on a rehearing, or on application therefor, the Court shall remand the case to the Commission with instructions to receive the testimony so proffered and rejected, and to enter a new order based upon the evidence theretofore taken, and such new evidence as it is directed to receive. Rules, regulations, orders of decisions of the Commission shall be held to be prima facie reasonable, and the burden of proof upon all issues raised by the appeal shall be upon the person or company appealing from such rules, regulations, orders or decisions. Upon hearing any such appeal the Court shall enter judgment either affirming or setting aside the rule, regulation, order or decision of the Commission.

When no appeal is taken from a rule, regulation, order or decision of the Commission as herein provided, parties affected by such rule, regulation, order or decision, shall be deemed to have waived the right to have the merits of said controversy reviewed by a court and there shall be no trial of the merits of any controversy in which such rule, regulation, order or decision was made, by any court to which the application may be made for a writ to enforce the same, or in any other judicial proceeding.

Section 33. A motion for rehearing before the Commission shall stay or suspend a final order, decision or finding of the Commission pending a disposition thereof, but no appeal shall so stay or suspend such order, decision or finding unless the Commission or the court shall so provide, and, as a condition to any stay or suspension of

any such order, decision or finding of the Commission, the Commission or Court granting same may require suitable bond or other security and may impose such other conditions and requirements as may be deemed adequate and just.

Section 34. No injunction or restraining order shall issue out of any Court suspending or staying any order, rule, regulation, or decision of the Commission under this Act except after reasonable notice to the Commissioners and due hearing had on the application for such injunction or restraining order; and every other order restraining or enjoining the Commission or the Commissioners shall contain a specific finding based upon evidence submitted to the Court, and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner and specifying the nature of the damage.

Section 35. The pipe line expert provided for in Section 11 of the Act of February 20, 1917, being an act for the regulation of oil pipe lines, shall likewise assist the Commission in the performance of its duties under this Act, and shall receive in addition to the compensation now fixed by law, not to exceed Twenty-five hundred (\$2,500.00) Dollars per annum, to be paid monthly out of the moneys and funds arising as hereinafter provided.

Sec. 36. The Commission shall have power to employ and appoint, from time to time, such experts, assistants, accountants, engineers, clerks and other persons as it shall deem necessary to enable it at all times to inspect and audit all records of receipts, disbursements, vouchers, prices, pay rolls, time cards, books and official records, to inspect all property and records of the utilities subject to the provisions hereof, and to perform such other service or services as may be directed by the Commission or under its authority. Such persons and employees of the Commission shall be paid for the service rendered such sums at such times and under such conditions as may be fixed and prescribed by the Commission, and such salaries, wages and fees shall be paid out of the moneys and funds as in this Act directed.

Sec. 37. Each witness who shall appear before the Commission, or a Commissioner at a place outside the county of his residence, shall receive for his attendance Three (\$3.00) Dollars per day and three cents per mile traveled by the nearest practicable route, in

going to and returning from the place of meeting of said Commission or Commissioner which shall be ordered paid, upon the presentation of proper vouchers, sworn to by such witness and approved by the Commission or the Chairman thereof out of the moneys and funds arising under this Act, provided, that no witness shall be entitled to any witness fees or mileage who is directly or indirectly interested in any public utility involved in or concerning which, in any way, the investigation or hearing, on account of which he is summoned, shall relate, or who is in any wise interested in any stock, bond, mortgage, security or earnings of any such utility, or who shall be the agent, attorney or employe of such utility, or any officer thereof, when summoned at the instance of such utility; and no witness furnished with free transportation shall receive pay for the distance he may have traveled on such free transportation.

Sec. 38. In case any witness shall fail or refuse to obey a subpoena by the Commission, or a Commissioner, the Commission or a Commissioner may issue an attachment for such witness, directed to any sheriff or any constable of the State of Texas, and compel him to attend before the Commission or any Commissioner thereof, and give his testimony upon such matters as may be lawfully required of him, and to bring with him and produce on examination such records, books, vouchers, memoranda, true copies thereof, prints and such other matter as may be required, if any, in such subpoena. Should a witness fail or refuse to attend, being summoned, or to answer any question propounded to him, or to produce any record or data required to be produced by such subpoena, the claim that any such testimony may tend to criminate the person giving it shall not excuse such witness from testifying or producing such records and data, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding. The sheriff or constable executing any process issued by the Commission, or a Commissioner thereof under the provisions of this Act shall receive such compensation as may be allowed by the Commission not to exceed the fees prescribed by the law for similar services.

Sec. 39. Except as in this section provided every gas utility subject to

the provisions of this Act, on or before the first day of September and on or before the first day of said month in each year thereafter, shall file with the Commission a statement, duly verified as true and correct by the President, Treasurer or General Manager, if a company or by the owner or one of them, if an individual or co-partnership, showing the gross receipts of such utility for the annual period ended December thirty-first next preceeding, or for such portion of said period as such utility may have been conducting any business, and at such time shall pay into the State Treasury at Austin, Texas, basis Austin, Texas, funds, a sum equal to one-fourth of one per cent of the gross income received from all business done within this State during said year, to be designated as the "Gas Utilities Fund", but such utilities shall not be required to pay said gross amount on such moneys as may be allocated by the Commission pending a final decision on any hearing or investigation authorized by the provisions hereof, and then only on such amount thereof as may be adjudged to be or assigned as the funds and property of or awarded to the utility. The gross receipts charge herein required to be paid, when paid, shall be allowed as an operating expense.

Sec. 40. The (sum of Thirty-five Hundred (\$3,500) Dollars per annum to each member of the Railroad Commission of Texas, in addition to their present salaries, and) salary and expenses of the "Expert" and of his assistants, if any, and the salaries, wages, fees and expenses of every other person employed or appointed by the Commission under the provisions of this Act, and all other expenses, costs and charges, including witness fees and mileage, fees and mileage, incurred by or under authority of the Commission, or a Commissioner, in administering and enforcing the provisions of this Act, or in exercising any power and authority hereunder, shall be paid from and out of the Gas Utilities Fund by the State Treasurer on warrant of the Comptroller of Public Accounts, on order or voucher approved by the Commission or the Chairman thereof. If the amount or total of such gross receipts charge collected shall not be sufficient, during any annual fiscal period, to pay such salaries, costs, charges, fees and

expenses, then the deficit shall be paid by the State Treasurer out of the general revenue not otherwise appropriated. Any surplus remaining in the Gas Utilities Fund, after paying all such salaries, costs, fees, charges and expenses, and deducting such amount as may be contracted to be paid and incurred and such as may be reasonably estimated by the Commission for its use, shall be paid over at the termination, or as soon thereafter as practicable, of such annual fiscal period and assigned and credited to the general revenue fund.

Sec. 41. Every gas utility as defined in this Act shall have an office in one of the counties of this State in which its property or some part thereof is located and shall keep in the said office all books, accounts, papers, records, vouchers and receipts as shall be required by the Commission. No books, accounts, papers, records, receipts, vouchers or other data required by the Commission to be so kept shall be at any time removed from this State except upon such conditions as may be prescribed by the Commission.

Sec. 42. Every gas utility subject to the provisions of this Act and all officers, agents, and employes of every such public utility shall obey, observe and comply with every order made by the Commission or a Commissioner so long as the same shall remain in force. Any owner, officer, agent or employe of a public utility who shall knowingly violate any provision of this Act, or violate or refuse or fail to comply with any order or decision of the Commission, or a Commissioner, shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or to imprisonment in the county jail for not exceeding six months, or to both such fine and imprisonment, which may be imposed by any court of competent jurisdiction of Travis County, Texas, or other such court of Texas having jurisdiction over that county wherein the defendant may reside, and each day shall constitute a separate offense. Any utility that shall fail or refuse to comply with any order, rule, decision or finding of the Commission shall be subject to a penalty of not more than One Hundred Dollars per day during each day it shall so fail or refuse, to be recovered on suit brought by the Attorney General in

the name of the State of Texas on request of the Commission in any court of Travis County having jurisdiction of the subject matter when the State of Texas is complainant. In no case in which appeal shall be taken from a final order or decision of the Commission shall a trial, recovery or conviction be had under this section until after a final determination of the appeal or the issues in such suit by the courts.

Sec. 43. Whenever the Commission shall be of the opinion that any gas utility is failing or omitting or about to fail to omit, to do anything required of it by law, or by any order, decision, rule, regulation, direction or requirement of the Commission, issued or made under authority of this Act, or is doing anything or about to do anything or permitting anything or about to permit anything to be done, contrary to or in violation of law or any order, decision, rule, regulation, direction or requirement of the Commission, issued or made under authority of this Act, it shall certify such fact or facts to the Attorney General who shall then forthwith commence an action or proceeding in the District Court, or any other court of concurrent Jurisdiction, in and for the county in which the cause or some part thereof arose, or in which the person or company complained of, if any, has its principal place of business, or in which the person complained of, if any, resides, in the name of the State of Texas, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus, injunction, or mandatory injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty (20) days after the service of the copy of the petition, within which the utility complained of must answer the petition, and in the meantime said utility may be restrained. In case of default in answer, or after answer, the Court shall immediately inquire into the facts and circumstances of the case. Such companies or persons as the Court may deem necessary or proper to be joined as parties, in order to make its judgment, order, or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of man-

damus, injunction, or mandatory injunction issue or be made permanent as prayed for in the petition, or in such modified or other form as will afford appropriate relief. An appeal may be taken from such final judgment in the same manner and with the same effect, subject to the provisions of this Act, as appeals are taken from judgments of the District Court in other actions for mandamus or injunction.

Sec. 44. For the further assurance of compliance with the Commission's orders or decisions and obedience to the provisions of this Act or of the better execution of the policy or regulation of gas utilities as gathered from the provisions of this Act, or for the avoidance of the accumulation of penalties or of inconvenience to the public or loss to any gas utility, or for other grounds cognizable in a Court of Equity, any Court having jurisdiction of the parties or subject matter is hereby authorized and empowered upon the application of the complainant or petitioner in any action brought against a gas utility under the provisions of this Act, to appoint a receiver or receivers under bond in such sum and conditioned as the Court may require, to take charge of and operate the business and property of any public utility in such action, until the final adjudication of such cause.

Sec. 45. Any regular or special employee of the Commission who divulges any fact or information coming to his knowledge respecting any inspection, examination, or investigation of any account, record, memorandum, book or paper, or of the property and facilities of a public utility as defined herein, except in so far as he may be authorized by the Commission or by a court of competent jurisdiction or a judge thereof, is guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than One Hundred nor more than One Thousand Dollars, to be imposed by a court of competent jurisdiction of Travis county and in addition thereto, shall be discharged by the Commission and not re-employed.

Section 46. The sections, subsections and clauses of this Act are separable and if, for any reason, any section, subsection, sentence or clause hereof is held unconstitutional, such decision shall not affect the validity

of any of the remaining portions of this Act.

Sec. 47. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall, in any manner, change the powers, duties and emoluments of the Railroad Commission under existing laws or effect or limit its jurisdiction with respect to railroads or other utilities heretofore under its jurisdiction; provided, every person and corporation heretofore violating any law or parts of law in conflict herewith shall be, nevertheless, liable and subject to the pains, penalties, forfeitures and fines therein prescribed as fully as though such laws were not repealed hereby, and all rights and remedies with respect thereto are hereby expressly reserved.

Sec. 48. The fact that there is no law providing for the adequate regulation of the gas utilities named herein creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted.

Amendment No. 10—House Bill No. 11.

Amendment to substitute for House Bill No. 11.

By Caldwell:

Sec. 4. The provisions of this Act shall not confer original jurisdiction on the Railroad Commission over persons or companies owning, operating, or managing any gas plant or equipment and furnishing service within any municipality under any franchise or contract with such municipality; provided, however, that should any order, decision, rule or regulation imposed by the commission upon any gas utility over which it has jurisdiction under this Act occasion or create a disagreement between any municipality and any such local utility concerning any rate or service, which disagreement is irreconcilable, then in such event the commission shall have appellate jurisdiction over the subject matter of such dispute or disagreement, and it shall be the duty of such municipality at the earliest practicable date, not to exceed thirty days after giving a hearing to such local utility concerning such matter to certify to the said

commission the record of the proceedings had at such hearing; that such appeal may be taken by the local utility or by agreement, and the record shall show by whom taken. The Railroad Commission of Texas shall then have full power and authority to exercise jurisdiction over such dispute, and its decision shall be final, and said parties shall obey the decision or ruling of the said commission in said matter. Either party shall have the same right to have a rehearing, and a judicial review of the decision of the said commission as is provided for in other causes decided by the commission.

The local utility concerned in any matter referred to the commission as in this section provided shall defray the cost of the proceeding. Both parties on such appeal shall be entitled to be heard as other parties in other causes before the commission.

Amendment to House Bill No. 13.

By Clark.

A BILL

to be entitled

An Act to amend Section 1, Chapter 19, Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, creating the Garwood Independent School District in Colorado County, reducing the area of said district on the east side of the Colorado River so as to include within said district only that portion of the territory, set out within hereinafter described field notes, containing approximately four and one-half square miles, and making no change in said district on the west side of the Colorado River, defining the boundary thereof, and declaring an emergency.

Section 1. That the boundary lines of said Garwood Independent School District, created by said Act, known as Senate Bill No. 251, which is defined in Chapter 19 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, be re-defined so as to reduce the area of said district lying on the east side of the Colorado River, retaining in said district on the east side of said river that territory included within the hereinafter described field notes, but

making no changes in the territory of said district lying on the west side of the Colorado River. The metes and boundaries of said entire district would be as follows, to-wit:

Beginning at the Northeast corner of the G. H. Eggemeyer land, on the West bank of the Colorado River, thence West with his North line to the Northeast corner of the Conrad Gurgens survey, thence West with the North line of the Conrad Gurgens survey to the Southeast corner of the S. A. & M. G. Railroad Co. survey, No. 1, which is also the Northeast corner of the H. M. Johnson and B. F. Stafford survey. Thence with the South line of the S. A. & M. G. Railroad Co. survey No. 1 to its Southwest corner, which is also the Northeast corner of the I. & G. N. Railroad Co. survey No. 1, thence west with the I. & G. N. Railroad Co. Survey No. 1 to its Northwest corner, in the East line of the I. & G. N. Railroad Co. survey, No. 2, thence North with the East line of the I. & G. N. Railroad Co. survey, Nos. 2 and 3, to the Northeast corner of said I. & G. N. Railroad Co. survey No. 3. Thence West with the South line of the I. & G. N. Railroad Co. survey No. 6 to the Southwest corner of the Dr. Barden land, thence in a Northerly direction along the West line of the Dr. Barden tract to its point of intersection with the North line of the I. & G. N. Railroad Co. survey No. 6, thence North with the West line of the I. & G. N. Railroad Co. survey Nos. 10 and 13 to the Northwest corner of the I. & G. N. Railroad Co. survey No. 13, which is also the Northeast corner of the I. & G. N. Railroad Co. survey No. 14. Thence North sixty-five (65) degrees East with the Northwest line of sections No. 13 and 12, I. & G. N. Railroad Co., No. 9, S. A. & M. G. Railroad Co. and 6 State, in the Southwest line of the Sam Kennelly League. Thence South, twenty-five (25) degrees East with the Northeast line of said section No. 6, State, to its East corner which is also the North corner of section No. 5, S. A. & M. G. Railroad Co. Thence North, sixty-five (65) degrees East, 1353 varas, across the land of Cochran to a point in the Southwest boundary line of Treybig's land. Thence South twenty-five (25) degrees East, forty varros to his South corner and West corner of John Valligura's land, thence North sixty-five (65) degrees East along the Northwest line of said John Valligura's land, 1330 varros to the Vox Populi Garwood Public Road.

Thence continuing sixty-five (65) degrees East, 3086 varros across the land of Jones to the West bank of the Colorado River. Thence in the same direction to the East bank of the Colorado River. Thence up said east bank of the Colorado River, with its meanders to Chumney Ferry Public Road. Thence Easterly along said road to the intersection with West line of P. T. Gordon tract, which is also the Southwest corner of said tract. Thence in a North-erly direction with the West line of the Gordon tract to its Northwest corner. Thence in an Easterly direction with the North line of said Gordon tract, to its Northeast corner. Thence Southeasterly with the Northeast line of the Gordon tract to the Chumney Ferry Public Road. Thence Westerly with said Road to intersection with Pen Darvis Slough running through the Eastland land, thence southeasterly with said Slough with its meanders thereof to its point of intersection with the South line of the James Ross League. Thence East with said South line of James Ross to its point of intersection with the East boundary line of the Cane Belt Railroad right-of-way thence following said East line of said right-of-way across said James Nelson League, thence in a Southwesterly direction with the Southeast line of said right-of-way, thence continuing in the same direction to the West bank of the Colorado River, thence down said River with its meanders of said West bank to the point of beginning: which territory shall hereafter constitute the Garwood Independent School District.

Sec. 2. The condition of the schools in said district and the immediate necessity of employing and contracting with teachers to conduct said schools for the ensuing term, creates an emergency and an imperative public necessity authorizing the suspension of the Constitutional Rule requiring that bills be read on three separate days and that this Act take effect and be enforced from and after its passage and it is so enacted.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, June 8, 1920.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hertzberg.
Bledsoe.	Hopkins.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Clark.	Rector.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Floyd.	Witt.
Hall.	Woods.

Absent.

Bailey.	Faust.
Caldwell.	Gibson.
Carlock.	Parr.
Cousins.	Strickland.
Davidson.	

Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dorrough.

Enforcement of Rule 92.

Senator Dorrough asked for a strict enforcement of rule 92, providing what persons shall have the privilege of the floor.

The rule, on Senator Dorrough's request, was read.

Committee Reports.

See Appendix.

Bills and Resolutions.

The following bills were introduced, read first time, and referred:

By Senator Dayton:

S. B. No. 88, A bill to be entitled "An Act to amend Article 637, Chapter 2, Title 18, Revised Civil Statutes of Texas, 1911, as amended by Section 1 of Chapter 203, Acts of the Regular Session of the Thirty-fifth Legislature, by adding thereto Article 637i, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hertzberg:

S. B. No. 89, A bill to be entitled